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ILLINOIS REGISTER

Files of Governmental Agencies

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
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Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds

2) Code Citation: 8 Ill. Adm. Code 270

3) Section Number: Proposed Action:

270.261 Amend

4) Statutory Authority: State Fair Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1711.1 and 1712).

5) A Complete Description of the Subjects and Issues Involved:

The Board of Directors of the Land of Lincoln Purebred Livestock Breeders requested the Department to adopt policy as to what is a "reasonable period of time." Section 11.1 of the Act permits Land of Lincoln animals out of this State for a reasonable period of time for showing, exhibitions, breeding, reproductive purposes or medical treatment. The Board further suggested that a maximum of 90 days be considered as a reasonable time period for permitting animals out of State.

The proposed rulemaking will make the out-of-State time period uniform for all species qualifying for Land of Lincoln awards at the Illinois State Fair.

The rule will not be adopted until after the 1990 Illinois State Fair which will give persons owning animals that qualify for Land of Lincoln awards sufficient time to make changes in their out-of-State schedules, if necessary, to avoid being disqualified for awards at the 1991 Illinois State Fair.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

A 45-day written comment period will be granted for receiving comments from the public. This comment period will begin on the day the notice of rule-

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

making appears in the Illinois Register. Comments should be sent to the Director, Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281.

This proposed rulemaking may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the

Department of Commerce and Community Affairs: July 3, 1991

B) Types of small businesses affected: Owners of swine, sheep, beef, horses, dairy, and goats that qualify for Land of Lincoln Breeders Awards for Purebred or Registered Livestock.

C) Reporting, bookkeeping or other procedures required for compliance: Animals are permitted out of state for a maximum of 90 days in a calendar year.

D) Types of professional skills necessary for compliance: Basic management.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER j: FAIRS

PART 270
ILLINOIS STATE FAIR AND DUQUOIN STATE FAIR,
NON-FAIR SPACE RENTAL AND THE GENERAL
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DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

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Gambling, Raffles, Prizes, Games of Chance,
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Trailer Storage
Inspection
Restrictions
Quarantine Provisions
Dogs
General Misconduct
Track Usage
Restrictions on Barn Use

AUTHORITY: Implementing and authorized by the State Fair Act (Ill. Rev. Stat. 1989 ~~1985~~, ch. 127, par. 1701 et seq.); implementing Section 40.14 and authorized by Section 16 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989 ~~1985~~, ch. 127, pars. 16 and 40.14).

SOURCE: Adopted at 4 Ill. Reg. 25, p. 34, effective June 11, 1980; amended at 5 Ill. Reg. 1332, effective January 29, 1981; codified at 5 Ill. Reg. 10532; amended at 6 Ill. Reg. 8958, effective July 9, 1982; amended at 8 Ill. Reg. 6103, effective

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

April 25, 1984; emergency amendments at 10 Ill. Reg. 13370, effective July 28, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 14282, effective August 20, 1986; amended at 10 Ill. Reg. 20468, effective November 26, 1986; amended at 11 Ill. Reg. 2228, effective January 20, 1987; amended at 14 Ill. Reg. , effective .

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: PREMIUMS AND RULES GOVERNING EXHIBITS
OR EVENTS

Section 270.261 Land of Lincoln Breeders Awards for Purebred or Registered Livestock

a) In accordance with the provisions of Section 11.1 of the "State Fair Act," the percentage of the appropriation made for the Land of Lincoln Breeders Awards for Purebred or Registered Livestock for each class or show shall be as follows:

1) a) Junior Livestock Show.....	16 2/3%
2) b) Beef Cattle.....	19%
3) c) Dairy Cattle.....	19%
4) d) Swine.....	16 2/3%
5) e) Sheep.....	10 2/3%
6) f) Goats.....	2 3/4%
7) g) Light Horses and Ponies.....	16%
8) h) Heavy Horses.....	1 1/3%

b) THE DEPARTMENT SHALL ESTABLISH AND PROMOTE CONTESTS AND EXHIBITIONS OF VARIOUS CLASSES OF LIVESTOCK TO BE KNOWN AS THE "LAND OF LINCOLN BREEDERS AWARDS FOR PUREBRED OR REGISTERED LIVESTOCK." ONLY ANIMALS BRED, BORN AND MAINTAINED IN ILLINOIS AND OWNED AND EXHIBITED BY ILLINOIS RESIDENTS SHALL BE ELIGIBLE TO PARTICIPATE IN SUCH CONTESTS AND EXHIBITIONS; HOWEVER, SUCH ANIMALS SHALL BE PERMITTED OUT OF THIS STATE FOR A REASONABLE PERIOD OF TIME FOR SHOWINGS, EXHIBITIONS, BREEDING OR REPRODUCTIVE PURPOSES, OR MEDICAL TREATMENT (Section 11.1 of the State Fair Act, Ill. Rev. Stat. 1989, ch. 127, par.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

1711.1). For the purposes of determining compliance with this Section, a reasonable period of time for per-mitting animals to be out of the State for showings, exhibitions, breeding, reproductive purposes or medical treatment shall be a maximum of 90 days during a calen-dar year.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: Proposed Action:
310.540 Amended
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 127, par. 63b108a(2)
- 5) A Complete Description of the Subjects and Issues Involved:

This proposed amendment to Section 310.540 reflects a change in the previous filing of the Fiscal Year 1991 changes published in the Illinois Register on April 13, 1990 to the Annual Merit Increase Guidechart for Merit Compensation employees. The percentage of allowable increases have been revised. The new definitions as published in the previous proposal will remain as modified in that filing.

- 6) Will this proposed rule replace an emergency rule currently in effect?

No.

- 7) Does this rulemaking contain an automatic repeal date? Yes X No
If "yes", please specify date:

- 8) Do these proposed amendments contain any incorporations by reference?

No

- 9) Are there any proposed amendments pending to this part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.110	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.130	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.290	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.300	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.450	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.456	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.530	Amended	14 Ill. Reg. 5269 (April 13, 1990)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

310.540	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. App. A, Table D	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. App. A, Table E	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. App. A, Table F	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. Appendix B	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. Appendix C	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. Appendix D	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.230	Amended	14 Ill. Reg. 7675 (May 25, 1990)
310.280	Amended	14 Ill. Reg. 7675 (May 25, 1990)
310. App. A, Table A	Amended	14 Ill. Reg. 7675 (May 25, 1990)
310.280	Amended	14 Ill. Reg. 10189 (June 29, 1990)
310.290	Amended	14 Ill. Reg. 10189 (June 29, 1990)
310. App. A, Table I	Amended	14 Ill. Reg. 10189 (June 29, 1990)
310. App. A, Table O	Amended	14 Ill. Reg. 10189 (June 29, 1990)
310. App. A, Table P	Amended	14 Ill. Reg. 10189 (June 29, 1990)

10) Statement of Statewide Objectives:

These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706

Telephone: (217) 782-5601

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

The Department of Central Management Services' Pay Plan does not affect private businesses. Amendments made to the Pay Plan are not subject to any guidelines or regulations of the Department of Commerce and Community Affairs.

- B) Types of small businesses affected:

None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

- C) Reporting, bookkeeping or other procedures required for compliance:

None

- D) Types of professional skills necessary for compliance:

None

The full text of the proposed Rule(s) begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
 POSITION CLASSIFICATIONS
 CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
 PAY PLAN

SUBPART A: NARRATIVE

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310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
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EMERGENCY

APPENDIX C

Physician Administrator Rates and Medical Facilities

Administrator Rates for Fiscal Year 1990 1991

EMERGENCY

APPENDIX D

Merit Compensation System Salary Schedule for Fiscal Year 1990 1991

EMERGENCY

APPENDIX E

Teaching Salary Schedule (Repealed)

Physician and Physician Specialist Salary Schedule (Repealed)

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1987 1989, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134,

effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988;

amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19921, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. _____, effective _____, for a maximum of 150 days; amended at 14 Ill. Reg. _____.

Section 310.540	Annual Merit Increase Guidechart for Fiscal Year 1991	
<u>Category</u>	<u>Definition</u>	<u>Allowable Increase</u>
Category-1	Significantly-Surpasses objectives	5---8%
Category-2	Fully-accomplishes objectives	2---5%
Category-3	Marginally-accomplishes objectives	0---2%
Category-4	Unacceptable-accomplishment of-objectives	0%
<u>Category 1</u>	<u>Superior</u>	<u>8 - 10%</u>
Category 2	Exceeds Expectations	<u>5 - 8%</u>
<u>Category 3</u>	<u>Meets Expectations</u>	<u>4 - 5%</u>
<u>Category 4</u>	<u>Needs Improvement</u>	<u>0 - 4%</u>
Category 5	Unacceptable	<u>0%</u>

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Personal Use of State Telephones2) Code Citation: 44 Ill. Adm. Code 50303) Section number: Proposed Action:

5030.110

Amendment

5030.120

Amendment

5030.130

Amendment

4) Statutory Authority: Implementing Sections 67.18 and 67.22 and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 63b13.18, 63b13.22 and 16).5) A Complete Description of the Subjects and Issues Involved:

The Department is changing its policies and procedures relating to use of State telephones as a result of Illinois Bell Telephone tariff changes. The introduction of measured local service charging the State for all local calls in downstate areas (Springfield, Peoria, Collinsville, Rockford, etc.) and the restructuring of measured telephone service in Chicago has required the Department to reevaluate and establish its policy regarding the reasonable use of State telephones by employees during business hours. This policy was adapted from the policy used by the U.S. General Services Administration. The policy is intended to be effective for a one year trial period after which it will be reevaluated.

6) Will this proposed amendment replace an emergency rule currently in effect? Yes.7) Does this rulemaking contain an automatic repeal date? No.8) Does this proposed amendment contain incorporations by reference? No.9) Are there any other proposed amendments pending on this Part? No.10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.

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The full text of the Proposed Amendments are identical to the text of the Emergency Amendments which appear in this issue of the Register on page 11353.

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Facilities and Housing component has been split into two separate components: the Competitive Public Facilities component (addressed in Section 110.92) and the Competitive Housing Rehabilitation component (addressed in Section 110.93). Section 110.100 has been amended to reflect the current application evaluation procedures for the competitive program components (i.e., Public Facilities and Housing Rehabilitation). Provisions governing the Small Business Financing component have been updated and are now provided in Section 110.105. Section 110.130 is being amended to reference 47 Ill. Adm. 10 (Review and Appeal Procedures) rather than the Illinois Administrative Procedure Act.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? Yes.
- 9) Are there any proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. John D. Taylor, Deputy Director
Department of Commerce and Community Affairs
Bureau of Program Administration
620 East Adams Street, 5th floor
Springfield, Illinois 62701
(217) 782-6136

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 3, 1990.
- B) Types of small businesses and small municipalities affected: Only units of local government may apply for funding under the "State Administration of the Federal Community Development Block Grant Program for Small Cities" program. Municipalities must be less than 50,000 in population. Counties and townships that are not participating in the Urban County Entitlement Program of the U.S. Department of Housing and Urban Development are also

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1) Heading of the Part: State Administration of the Federal Community Development Block Grant Program for Small Cities

2) Code Citation: 47 Ill. Adm. Code 110

Section Numbers:	Proposed Action:
110.10	Amendment
110.30	Amendment
110.40	Amendment
110.50	Amendment
110.60	Amendment
110.70	Amendment
110.80	Amendment
110.90	Amendment
110.91	New Section
110.92	New Section
110.93	New Section
110.100	Amendment
110.105	New Section
110.130	Amendment

4) Statutory Authority: Implementing Section 46.37 and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 46.37 and 46.42).

5) A Complete Description of the Subjects and Issues Involved: Proposed amendments serve to update rules entitled "State Administration of the Federal Community Development Block Grant Program for Small Cities". Section 110.10 updates the department's certification requirements for HUD and identifies the location and date of HUD regulations referenced later in the Part. Section 110.30 has been amended to revise, add, and delete definitions applicable to CDAP. Section 110.40 was modified to reflect the current goals of CDAP. Revisions were made to Section 110.50 to reflect updated policy guidance from HUD regarding eligible applicants. Eligible/ineligible projects detailed in Section 100.60 were changed in accordance with the HUD regulations and examples of eligible activities which are typically funded through CDAP have been added. Procedures governing the grant application process (found in Section 110.70) and funding (found in Section 110.80) have been updated. The Set-Aside for Economic Development component has been deleted and replaced by the Set-Aside for Emergency Public Facilities component which provides financial assistance for public works projects that arise outside the annual funding cycle. Section 110.90 has been modified to describe only this one program component. The competitive Economic Development component has been replaced by the General Economic Development component and is described in Section 110.91. This change allows for funding of economic development projects throughout the year rather than on a quarterly basis as was previously required, making it easier for firms to access the program. The Public

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eligible to apply for block grant funds. Small municipalities would therefore be among the pool of eligible applicants. Businesses are ineligible as applicants. However, small businesses may receive funding through a unit of local government participating in the program which chooses to operate a small business financing fund project.

C) Reporting, bookkeeping or other procedures required for compliance: Municipalities (including small municipalities) which choose to participate in this voluntary program agree to comply with the compliance and reporting requirements which have been established in accordance with federal provisions for the purpose of ensuring funds are properly spent and monitored. However this rulemaking does not change existing reporting or compliance requirements.

D) Types of professional skills necessary for compliance: Not applicable.

The full text of the Proposed Amendments begins on the next page:

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 110

STATE ADMINISTRATION OF THE FEDERAL COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM FOR SMALL CITIES

Section	
110.10	Legislative Base
110.20	Purpose and Scope
110.30	Definitions
110.35	Incorporation by Reference
110.40	Federal/State Program Objectives
110.50	Eligible Applicants
110.60	Eligible/Ineligible Projects and Activities
110.70	Grant Application Process
110.80	Funding
110.90	Special Set-Aside for Emergency Public Facilities Component Program
110.91	General Economic Development Component
110.92	Competitive Public Facilities Component
110.93	Competitive Housing Rehabilitation Component
110.100	Application Evaluation for Competitive Public Facilities and Competitive Housing Rehabilitation Components Ranking-System
110.105	Small Business Financing Fund Component
110.110	Administrative Requirements
110.120	Non-discrimination
110.130	Complaint Process

AUTHORITY: Implementing Section 46.37 and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 46.37 and 46.42).

SOURCE: Adopted and codified at 7 Ill. Reg. 2972, effective March 9, 1983; amended at 7 Ill. Reg. 7898, effective June 21, 1983; amended at 8 Ill. Reg. 16250, effective August 29, 1984; amended at 9 Ill. Reg. 7117, effective May 9, 1985; amended at 9 Ill. Reg. 10702, effective June 28, 1985; amended at 10 Ill. Reg. 10093, effective May 28, 1986; amended at 12 Ill. Reg. 2254, effective January 19, 1988; amended at 14 Ill. Reg. _____, effective _____.

Section 110.10 Legislative Base

a) Federal

- 1) On July 31, 1981, Congress passed the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35). This Act established seven block grant programs, including the Small Cities, or State Community Development Block Grant (CDBG)

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Program. These block grants replace a large number of programs previously administered by the Federal Government. Although the Housing and Community Development Act of 1974 provided since its inception for discretionary block grants to smaller communities, the Omnibus Budget Reconciliation Act of 1981 made a fundamental change to transfer to the States the power and decision making in awarding block grants to small communities.

- 2) The State Community Development Block Grant Program was enacted as Section 106(d), as amended, of Sec. 304 of Title III of the Act. The Act authorizes state administration of the program to units of general local governments in nonentitlement areas. Those States which elect to administer the program will replace HUD under Subpart I of Community Development Block Grant Regulations (Part 570), and the regulations of Subpart F governing the Small Cities Program administered by HUD will not apply. Throughout this Part references are made to the provisions of 24 CFR 570. These HUD regulations were published September 6, 1988 at 53 FR 34437.

- 3) While the States must follow the statutory requirements concerning the use of block grant funds, the Secretary of HUD will give maximum feasible deference to a State's interpretation of such requirements consistent with the Secretary's obligation to enforce compliance with the intent of Congress.

- 4) If a State elects to administer the program, it must submit each year to the Secretary of HUD, during the month of July before the beginning of each Federal fiscal year (October 1 to September 30), certifications by the Governor as required by the Act. A final statement and certifications are required to be submitted before March 31 during each year in which a State elects to administer the Community Development Block Grant funds for its nonentitlement areas.

b) State

- 1) On August 10, 1981, the Governor designated the Illinois Department of Commerce and Community Affairs as the State administrative agency for the Small Cities Community Development Block Grant Program. On March 23, 1982, the Governor officially notified the U. S. Department of Housing and Urban Development of the State's election to administer the Small Cities Program for nonentitlement communities within the State.

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- 2) As a part of its application, the State certified to HUD that it:

- A) Engages or will engage in planning for community development activities;
- B) Provides or will provide technical assistance to units of general local government in connection with community development programs; and
- C) Will provide, out of State resources, funds for community development activities in an amount which is at least 10 percent of the amounts allocated for use in non-entitlement areas of the State; and
- C) Has consulted with local elected officials from among units of general local government located in nonentitlement areas of the State determining the method of distribution of Block Grant funds.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 110.30 Definitions

"Act" shall mean Section 106(d), as amended, of Section 304 of Title III of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) (42 U.S.C.A. 5301 (1983)).

"Application" shall mean a request for program funds including the required forms and attachments.

"Application in on Behalf Of" shall mean any application submitted by one eligible applicant requesting funds for one or more other eligible applicants.

"Back-Up Applicant" shall mean a local government that has applied to the Department under a competitive category. Although the application was competitive and contained eligible activities, funds were insufficient to award the project under the competitive category. It set aside funds were not available applications would be funded in the competitive categories.

"Community" shall mean any eligible applicant.

"Community Development Assistance Program" shall mean the grant program administered by the Department, initially authorized as the Community Development Block Grant Nonentitlement Program by Title I of the Housing and Community Development Act of 1974, as amended, and subsequently authorized for State administration by

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the Omnibus Budget Reconciliation Act of 1981 for cities and counties except those designated as entitlement areas by the U. S. Department of Housing and Urban Development.

"CDAP Low Interest Subordinated Loan" shall mean a loan provided with Community Development Assistance Program funds which takes a collateral position secondary to a first trust mortgage or deed.

"Department" shall mean the Illinois Department of Commerce and Community Affairs.

"Economic Development" shall mean job creation/retention and the alleviation of economic distress through the stimulation of private investment and community revitalization.

"Eligible Applicant" shall mean any incorporated municipality, township, or county within the State of Illinois, except those designated as entitlement areas by the U. S. Department of Housing and Urban Development.

"Financial Feasibility" shall be determined from documentation from other financial servicing institutions (bank commitment letter must state loan terms, amortization schedule, interest rates, and conditions of its participation and the reasons why it cannot finance the entire project), as well as financial statements from the participating firms (3 years) to provide the project's viability and to indicate that the project could not proceed without the infusion of CDAP assistance. Also required will be a cash flow analysis/pro forma statement that projects at a minimum the first year's operations with the proposed loan funds.

"Full-Time Equivalent Job" shall mean 1950 hours of employment in a 12 month period.

"Grant" shall mean funds received through the Community Development Assistance Program.

"Grant Ceiling" shall mean the maximum amount of funds that an applicant may request in any one application.

"Grant Close Out" shall mean the formal process to document final expenditures, final program results, reconcile final cash payment to the grantee or refund to the grantor and to arrange for the release of liability to the parties of the contract.

"Grantee" shall mean any eligible applicant receiving funds under this program.

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"HUD" shall mean the U.S. Department of Housing and Urban Development.

"Illinois Company" shall mean a company that is either doing business in or has committed to do business in Illinois.

"Joint Application" shall mean an application submitted by more than one eligible applicant to complete a single project for the benefit of all those applying.

"Low and Moderate-Income Persons" shall mean those individuals in families where income is 80 percent or less of the county median family income. For economic development, the latest available HUD Section 8 family income limits will be used. Low/moderate income documentation includes wage scales, commitments to hire through local job service agencies and/or unemployed persons. Unemployment is defined as not working but actively seeking work (does not include person under 16 years or retired persons; the definition used is the definition of unemployed put out by the U.S. Department of Labor). Statistics on potential unemployment will not be allowed for the purposes of defining low and moderate income persons to benefit from a proposed project. A project will not be funded if the benefit to low and moderate income persons would be less than 51 percent.

"Minimum Drawdown" shall mean the minimum percentage of grant funds existing grantees must have spent prior to receiving additional grant funds. The minimum percentage is established by the Department on an annual basis.

"Multi-Year Commitment" shall mean a project receiving a funding commitment from two to three program years' allocations, with up to two years' funding committed by HUD in previous funding years.

"Public-Guaranteed Loan" shall mean a loan guaranteed by a public entity.

"Program Income" shall mean income realized from grant-related activities. Grant-related activities are those eligible activities listed in Section 110.60(a) of this Part.

"Project" shall mean an activity or activities funded by the Community Development Assistance Program with Community Development Block Grant funds.

"Public Guaranteed Loan" shall mean a loan guaranteed by a public entity.

"Recaptured Funds" shall mean funds received from grant-related

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activities after the grant has been closed out with the Department.

"Resource Leveraging" shall mean a financial contribution. Leveraging may include machinery and equipment brought into the state from another state. The purchase price of underutilized land and buildings may be considered as leveraging as long as these are directly related to the project. In determining if buildings and land are underutilized, for the purpose of resource leveraging, both the appraised value (i.e., an appraisal of property's market value) and a statement from the owner indicating the period of time which land/buildings have not been in use will be considered. Applicants may count local funds used to pay for salaries of employees administering the project as resource leveraging. Any expenditure of funds prior to grant award or lines of credit will not be considered leveraging. In addition, existing in-state equipment, land, buildings, furnishings, and inventory already owned and paid for by the applicant or the entity on whose behalf the applicant is applying prior to grant award will not be counted as leveraging. Contracts for deed without a due and payable clause or which is an apparent substitute for simple rent will not be counted as leverage. Leveraging may include machinery and equipment brought into the state from another state. However, the purchase price of underutilized land and buildings may be considered as leveraging as long as these are directly related to the project. In determining if buildings and land are underutilized, for the purpose of resource leveraging, both the appraised value (i.e., an appraisal of property's market value) and a statement from the owner indicating the period of time which land/buildings have not been in use will be considered. Similarly, post-project costs such as operational expenses will not be counted as resource leveraging. Applicants may count local funds used to pay for salaries of employees administering the project as resource leveraging.

"Special Set-aside Funds" shall mean a separate allocation to fund projects which will alleviate an imminent threat to public health and safety, or present unique economic situations. The need for funds must arise outside the normal funding cycle and require immediate attention.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 110.40 Federal/State Program Objectives

- a) In order to ensure that the State administered program meets the intent of the Housing and Community Development Act of 1974, as amended, Congress has required that federal-State administered

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programs meet at least one of the following three national objectives:

- 1) Benefiting low and moderate-income persons;
- 2) Aiding in the prevention or elimination of slums or and/or blight; or
- 3) Meeting other community development needs that pose a serious and immediate threat to the health and welfare of the community.

b) To complement these federally mandated objectives, the State has established the following specific objectives for the Community Development Assistance Program:

- 1) Strengthening Strengthened community economic development through the creation of jobs, stimulation of private investment, community --revitalization; and tax --base strengthening of the tax base;
- 2) Alleviation of economic distress and realizing community economic development opportunities of benefit to for low and moderate-income individuals;
- 3) Elimination of slums and blight and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community; principally for persons of low and moderate income;
- 3) 4) Improvement of public infrastructure and elimination of conditions which are detrimental to health, safety, and public welfare; and
- 4) 5) Conservation and expansion of the State's housing stock in order to provide a decent home and a suitable living environment for persons of low and moderate income and the developmentally disabled.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 110.50 Eligible Applicants

- a) General Only units of local government can may apply for funding. Municipalities must be less than 50,000 in population. Counties and townships that are not participating in the Urban County Entitlement Program of the U.S. Department of Housing and Urban Development are also eligible to apply for block grant funds.

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- b) Because of eligibility requirements and administrative capacity, certain unincorporated areas and special districts may not qualify for participation by themselves. In such instances, counties will be allowed to submit applications in on behalf of otherwise ineligible special districts communities and unincorporated areas. A county in this situation is limited to a single application submission that may include projects in behalf of smaller communities as well as other county project activities that would be located in unincorporated areas.
- c) In situations where two or more eligible local governments face a common community development problem, a joint application can may be submitted under the following conditions:

- 1) the solution of the problem requires mutual action and is not intended for administrative convenience; and
- 2) the eligible local governments involved have contacted the Department of Commerce and Community Affairs for prior approval of such an arrangement before actual application submission.

- d) An "on behalf of" or joint application may not be filed for an entitlement city or a city located in an entitlement county.

- e) In the event that either an "on behalf of" or joint application will be filed, the local governments involved must submit an executed cooperation agreement with its application for funds that define grantee responsibilities, should the application be successful.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 110.60 Eligible/Ineligible Projects and Activities

- a) Eligible Projects and Activities - Eligible activities are detailed in 24 CFR 570.201 (#9831988). Activities assisted by this program may include the following: the following are examples of eligible activities as local community development projects.

- 1) Economic Development - provision of assistance to private for-profit or not-for-profit businesses for such activities as land acquisition, public facilities and improvements in support of economic development (such as, water, sewer and utility lines); acquisition, construction, rehabilitation or installation of commercial and industrial buildings/facilities; capitalization of a local development corporation/machinery and equipment; and working capital expenses; and advertising/marketing expenses.

- 2) Public Facilities or --services and Improvements - acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements e.g., water and sewer facilities, including storm sewers, solid waste disposal facilities; flood retention and drainage facilities; non-residential senior centers that provide services such as nutrition programs; health care services or social services; non-residential centers for the handicapped; e.g., a sheltered workshop; neighborhood facilities designed to provide health, social, recreational or similar community services for residents of a particular target area or neighborhood; street improvements, including street lighting, traffic signals, curbs, gutters, sidewalks, and ramping for the handicapped; public facilities, other than water and sewer that meet the specified federal requirements; acquisition of real property necessary to install or improve public facilities (right-of-ways, easements, etc.); parks, playgrounds; and other recreational facilities; and acquisition for eligible public facilities; land acquisition for eligible public facilities; fire protection facilities; parking facilities; public utilities other than water or sewer; river reclamation; flood and drainage; parking lots; solid waste disposal; recycling or conversion facilities; removal of architectural barriers to provide access to the handicapped; clearance/demolition activities; improvements to private utilities that involve public purchase and/or directly benefit low and moderate income persons; and public services that directly support other physical development activities funded through this program limited by the U.S. Congress to 15% of any local government's total program budget; and other public facility activities not excluded in 110.60(b).

- 3) Housing Rehabilitation and Preservation - provision of assistance in support of low to moderate income housing, including real property acquisition; rehabilitation, clearance, demolition, and/or removal of privately-owned buildings and provision of site improvements such as connection of residential structures to water or sewer lines and improvements; rehabilitation of publicly-owned or acquired properties for use or resale in the provision of assisted housing; provision of public facilities to increase housing opportunities; financing the rehabilitation of privately-owned residential or mixed-use properties through either loan or grant programs; provision of housing assistance activities for the physically and/or mentally disabled; certain types of housing modernization; temporary relocation assistance; and code enforcement;

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historic-preservation-activities; and-grants-to-non-profit organizations-to-assist-in-the-development-of-housing opportunities-for-the-elderly.

- 4-) The remaining major eligible cost category under the Community Development Assistance Program is general program planning and administration. This area covers the local government operational costs of implementing a local program. It includes costs involved in preparing the environmental review; preliminary engineering, planning, and design fees for the project; the cost of the local program audit; and other contractual costs for professional services that are associated with the administration of the program. It excludes all pre-program costs, such as payment or reimbursement of application preparation fees, costs associated with conducting a local survey, etc. There is a 10% ceiling placed on general program planning and administration costs for any local program.

b-) Ineligible Projects and Activities -

- 1) Generally, any type of activity not described or referred to in Section 110.60(a) is considered ineligible. Ineligible activities are detailed in 24 CFR 570.207(19831988).
- 2) The following is a selective list of examples of projects and activities that are generally ineligible: buildings used predominantly for the general conduct of government (e.g., city halls, courthouses, jails, police stations, etc.). This does not exclude removal of architectural barriers and historic preservation. General government expenses; political activities; purchase of construction equipment and purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture is generally ineligible. However, CDAP funds may be used to purchase or to pay depreciation or use allowances for such items when necessary if the administration of activities was assisted with CDAP funds. The costs associated with operating and maintaining public facilities and services are generally ineligible. New housing construction is ineligible, except as provided under the last resort housing provision set forth in 24 CFR-Part 42 (1983), or, when carried out by a subrecipient pursuant to 570.204(a)(2) of the Act; income payments for housing or any other purpose (e.g., income maintenance, housing allowances, down payments, mortgage subsidies, etc.) All activities as listed in 24 CFR Part 570.201 through 206 (19831988) are eligible.

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(Source: Amended at 14 Ill. Reg. _____, effective _____)
Section 110.70 Grant Application Process

- a) Upon request, the Department of Commerce and Community Affairs will supply local governments with an application package. Applicants shall complete the package in accordance with the instructions and schedule annually established by the Department. Applications will be reviewed and ranked on a competitive basis. The review and ranking process will take approximately seventy-five (75) days, with grant awards being announced at the end of that period.
- b) To maximize local input in the development of the applicant's project proposal, a minimum of one public meeting must be held prior to the submission of the any application to the Department. This meeting, and its specific time, location, and topic(s) must be published at least seven days in advance in the non-legal section of a newspaper that is in general circulation within the community. Subsequent to such meeting(s), a resolution of support from the local governing body must be passed that authorizes the local government to apply for funds. If an applicant plans to utilize grants funds as a loan mechanism, discussion should be held at the public meeting to determine the planned uses of the recapture funds.

- c) Applicants must provide evidence (i.e., newspaper clipping of notice of hearing and a summary of comments presented at hearing) that one public hearing was conducted on at least an annual basis prior to the applicant's first application submitted in any program year. This is in addition to the public hearing specified in subsection(b).

- d) Applicants must submit a plan for minimizing displacement regardless of how CDAP funds are used pursuant to 24 CFR 570.606(b) (1988).

(Source: Amended at 14 Ill. Reg. _____, effective _____)
Section 110.80 Funding

- a) Distribution of Funds - Distribution of grant awards will be made according to the application evaluation process ranking system described in Sections 110.91, 110.92, 110.93, 110.100, and 110.105 of this Part. Applications will receive a rating in the two areas of Community Need and Project Benefit. The first area will be designed to look at the characteristics of the community itself (such as extent of poverty, unemployment rate) to help assure that the neediest localities are funded. The second area

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Project-Benefit will focus on the proposed project in terms of how well it will address the community's problems in the areas of economic development, housing, or public facilities. The details of how applicants will be ranked in these two major areas will be developed by the Department and reviewed on an annual basis (refer to Section 118-109). Up to twenty-five percent (25%) of total program funds will be reserved for the Special Set-Aside Fund. The specific amount of the special set-aside will be announced annually in the Department's Application Guide.

b) Other Funding Considerations

1) Grant Ceilings: Grant ceilings establish the general limits that may be requested. Individual grants will be funded only in amounts commensurate with the requirements of the proposed project. The Department will set the following maximum grant ceilings for applicants:

A) Category Components	Grant Ceiling
i) General Economic Development (competitive program)	\$400,000
ii) Competitive Public Facilities and Housing (competitive program)	\$400,000
iii) Competitive Housing Rehabilitation	\$400,000
iv) Set-Aside Program for Emergency Public Facilities	\$100,000 \$-200,000
v) Small Business Financing Program	\$100,000

B) A local governments may receive only one grant award under the program components of Competitive Public Facilities and Competitive Housing Rehabilitation and they may receive a grant award in each of the following categories: public facilities and housing; competitive economic development; ----- However, communities may receive more than one grant award in the set-aside and small business financing program are limited to submitting one application under the Competitive Public Facilities and the Competitive Housing Rehabilitation components in any one program year.

C) While grant ceilings establish the general limits that may be requested, individual grants will be funded only in amounts commensurate with the requirements of the proposed project. In determining appropriate individual grant amounts, the Department will consider population factors, needs, type of activities, and applicant's ability to carry out the proposed program. On occasion, the Department will review the technical feasibility of a project. If the review requires non-Departmental expertise (e.g., engineering, review water and sewer permits), the Department will coordinate with other agencies (e.g., Environmental Protection Agency (EPA), Department of Public Health (DPH), Farmers Home Administration (FmHA)) to review the technical feasibility of the project. If as a result of that review, a lesser amount of funding is determined to be appropriate, it may be necessary for the applicant to submit a revised application reflective of the technical review.

D) In determining appropriate individual grant amounts the Department will consider the following:

- i) Need - Determination of the severity of need for a proposed project will be based upon generally available facts and data, along with the applicant's ability to meet the need through other sources of funds.
 - ii) Ability to Carry Out the Project - Determination of the ability to successfully complete the proposed project will be based upon elements such as previous program performance, experience, the grants management plan, and scope of the proposed program.
 - iii) Proposed Activities - A review of the proposed activities will be based on a determination of whether the program objectives will be met through the proposed activities.
- standards for program category allocation: The Department shall determine the amount of funds annually allocated to carry out activities in accordance with each of the community development assistance program categories. This allocation of funds will be in consultation with local elected officials as noted in Section 110.10(b)(2)(C) of this Part. The allocation of funds between program

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categories shall be:

- A) 15% for the Set-Aside Program;
- B) 7% for the Small Business Financing Program;
- C) 39% for the Public Facilities and Housing Program;
- B) 39% for the Economic Development Program;
- 3) Population: The relationship of population to the amount of project funds requested will be assessed by the Department. This assessment will include, at a minimum, the relationship of the applicants' population to that of its proposed project area;
- 4) Need: Determination of the severity of the need for the proposed project will be based on generally available facts and data along with the applicant's ability to meet the need through other sources of funds;
- 5) Proposed Activities: The Department will review projects and/or activities to eliminate those that would alleviate the problems of only a small segment of the total population needing assistance;
- 6) Ability to Carry Out the Project: The Department will determine whether the applicant is capable of completing the proposed project successfully based on previous program performance, experience, completion of the grant management plan, and the scope of the proposed program;
- 3)7) Environmental Clearances: Upon actual grant award, a technical review of non-exempt activities must be completed, if required under 24 CFR 58 58:15, 58:34 and 58:35 (1983) 1984).
- 4)8) On-Site Visits: The Department's program staff will conduct field visits of potential grantees under the Competitive Public Facilities and Competitive Housing Rehabilitation components prior to final grant decisions.
- e) Completion of these application requirements must occur before any of these grantees will be awarded funds through the State-administered program:

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 110.90 Special Set-Aside for Emergency Public Facilities Component

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Program

- a) Community Development Assistance Program--Special--Set-Aside: Certain types of conditions, such as natural disasters or other unique circumstances and unique permanent job creating opportunities for low and moderate income people, do not lend themselves well to a designated (yearly or quarterly) application cycle. In order to better respond to severe public works economic problems, unique job creation opportunities for low and moderate income people, and natural disasters, the Department will set aside up to twenty-five percent (25%) of the total allocation of block grant funds. This set-aside of funds will be made available on an "as needed" basis. In other words, there is no application deadline for this set-aside. Awards could be made to communities that are faced with an imminent immediate threat to health and safety resulting from a natural catastrophe, or with economic conditions that threaten a massive loss of jobs due to a commercial or industrial business's inability to expand or upgrade existing infrastructure. Awards could also be made to communities that present unique job creation opportunities for significant numbers of low and moderate income persons. If no situations arise which warrant this type of assistance, the set-aside funds will be reallocated before at the end of the program year to the competitive public facilities component local governments that were designated as back-up applicants through the regular competition.
- a) Project Eligibility Criteria - For a project to be eligible for funding under this component, applicants must document the following:
- 1) At minimum, 51 percent of those benefitting from the project will be low to moderate income persons (as defined in Section 110.30 of the Part);
 - 2) At minimum, 25 percent of project costs will be paid from other non-department funds. Examples of other funding sources may include FmHA, EPA or local funds;
 - 3) A serious and urgent threat to the health and safety of community residents exists. The community must substantiate that the situation was unforeseen; and
 - 4) The project is ready to proceed and expend funds and the project addresses the identified problem.
- b) Qualifications for imminent threat status--in order for a community to be considered for funding for imminent threats to health and safety, the community must be first declared a

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"disaster-area" by the President. After designation as a disaster area, the community petitions the Department of Commerce and Community Affairs for grant assistance. Departmental staff will investigate existing conditions. The decision of the Department of Commerce and Community Affairs is final. Grants will be generally limited to eligible public sector activities. The eligibility of certain private sector reconstruction activities will be reviewed on an individual project basis. Such projects must involve substantial employment of low and moderate income persons. Grant awards will have a grant ceiling of \$50,000 unless the Department determines that extenuating local circumstances necessitate a higher grant ceiling. The actual funding level will be determined by the local circumstances and the availability of other sources of assistance for the community. These grants can only be made to a general unit of local government, and the community must first exhaust all other available federal resources.

b) Application Review and Approval

- 1) Funds will be made available on an as needed basis throughout the year.
- 2) Applications shall be prepared and submitted to the Department as specified in Section 110.70 of this Part.
- 3) Applications shall be reviewed in accordance with Section 110.100 of this Part.

c) Qualification for Unique Economic Condition Status:

- i) In order for a community to receive funding for an economic development project, the community must make application to the Department of Commerce and Community Affairs and substantiate that a situation exists in which a significant portion of jobs would be lost unless certain actions were taken. The community must quantify and describe the effects of the job in terms of unemployment, reduction of the tax base or by other economic indicators. It must also verify that unless this assistance is received, the jobs would be lost.
- 2) Grant awards are also available for communities to provide assistance to commercial or industrial ventures that would create large numbers of jobs for individuals of low and moderate income. Emphasis will be placed on awards that:
 - A) create or retain large numbers of jobs for a comparatively small amount of dollars, and

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- B) help attract sizeable private investment in those instances where that investment would not have taken place without the grant; the funding could be used to provide/improve public facilities to further economic development (e.g., water or sewer lines); by supporting private sector activities such as employee training or plant construction. Grant awards will be made to eligible local governments for them to use in support of economic development or to pass through to the private sector as a loan or grant, or a combination thereof. Firm and legally binding commitments to create or retain jobs must exist. Projects that involve intra-state transfers of jobs from one part of the state to another are ineligible for funding assistance unless circumstances exist. Projects that involve intra-state transfers of jobs from one part of the state to another are ineligible for funding assistance unless circumstances exist. If it is determined that other avenues are more appropriate or have not been approached, the application will be denied. All decisions by the Department of Commerce and Community Affairs are final. Grant awards for economic development related projects will be limited to \$200,000, unless the Department determines that extenuating local circumstances necessitate a higher grant ceiling.

3)

Proposals will be given further consideration for funding if the applicant can document a high ratio of jobs created/retained to the amount of grant funds requested. Also, a minimum of 5% of persons benefiting from any of these projects must be of low and moderate income prior to or at the time of hiring or project submission. The applicant may document this through the types of jobs and wage scales of jobs to be created; the existing salary levels of employees to be retained; current employment status; or other means. The projected wage scales of jobs to be created need not be used in the low and moderate income persons' definition if the applicant documents how it will make efforts to hire such persons (i.e., those currently unemployed, job training, Partnership Act eligible, local unemployment survey, use of Job Service/local unemployment office). HUB's Section 8 income guidelines (median income by household size and county) will be used to calculate this figure. Other methods of documenting this statistic must be approved by the Department prior to application submission.

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a) Waiver-Provisions

1) In the event that a local government has met all qualifications under the imminent threat status (Section 110-90) and is either:

A) in the process of applying for regular program funds; or

B) has its application already under review by the Department, program rules shall be relaxed under both the Unique Economic Condition and Imminent Threat categories to accommodate for such disasters. In such qualifying instances, the application submittal deadline shall be waived by the Department of Commerce and Community Affairs, and the local government(s) involved will be allowed to modify its application under the competitive program to reflect the immediate needs prompted by the natural disaster under either category of the set-aside. Regarding application review, the Department will accelerate the process of ranking these special applications.

2) In the event that set-aside funds beyond these above measures will be requested under either the unique economic conditions and/or imminent threat categories, all other available federal resources must first be exhausted before application can be made under the Special Set-Aside Program.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 110.91 General Economic Development Component

The general economic development component is available to assist communities to attract or expand local industry. The program provides low interest subordinate loans or public infrastructure grants to projects that create or retain jobs primarily for low to moderate-income workers. This assistance can be made to both private "for-profit" and "not-for-profit" organizations.

a) Project Eligibility Criteria - For a project to be eligible for funding under this component, applicants must document the following:

1) At minimum, 51 percent of those benefitting from the project will be low to moderate-income persons (as defined in Section 110.30 of this Part).

A) The benefit of job creation shall be documented in

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either one of two ways:

i) Obtaining and keeping on file for verification the Family Income Verification Form which includes an employee's social security number, signature and family income or

ii) Accepting employment referrals from the Job Training Partnership Act (JTPA).

B) The benefit of the job retention of existing employees shall be documented by completing a Family Income Verification Form for each employee. These forms must be submitted at the time of application.

2) The financial feasibility of the project and how program objectives will be met through proposed activities. Participating businesses must submit supporting financial data.

3) If a start-up project is proposed, a 20 percent commitment of equity included in the leveraging.

4) For public infrastructure projects in support of economic development, when the improvements are to take place in an area that is residential in character, that the area is comprised of at least 51% low to moderate-income persons. Applicants must further certify that any future hook-ups to the public improvements made with program funds will benefit primarily low to moderate-income persons (51% or more) pursuant to 24 CFR 570.208 (1988).

b) Application Review and Approval

1) Funds will be made available on an as needed basis throughout the year.

2) Applications shall be prepared and submitted to the Department as specified in Section 110.70 of this Part. Complete applications will be reviewed and evaluated by Department staff. Applicants will be notified of deficiencies and given the opportunity to correct such deficiencies through submission of additional documentation.

3) The evaluation of projects will be conducted to assure compliance with 24 CFR 570.203 (1988) and will also address the following criteria:

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i) Project Need - Need for and use of program funds should be detailed. This evaluation will include a review of all sources and uses of funds and an analysis of the borrower's ability to repay the funds and the need for and extent of public funding.

ii) Project Readiness - The applicant must demonstrate project readiness through a description of all activities. This will include commitment from all lenders and investors, signed and dated.

iii) Financial Evaluation - The company's financial statements will be reviewed to determine: liquidity/debt coverage; ability of the company to manage debt; business trends; and projected earnings. This data will be compared to similar data for companies in the same industry using the "RMA Annual Statement Studies" published by Robert Morris Associates, P.O. Box 8500, S-1140, Philadelphia, PA 19178 (1988), or a comparable source if such industry is evaluated by this source.

iv) Commitment for Job Creation/Retention - Firm written assurances from the company must identify the number of jobs created/retained in a specified period of time and the specific number that will be low to moderate-income and the methodology to be used to document low to moderate-income benefit. This review will also include a determination of the numbers of jobs created/retained in relation to the amount of program funds. Preference is given to projects showing a program investment of \$5,000 per job. The investment per job shall not exceed \$8,000 per job.

v) Resource Leveraging - The ratio of other (non-CDAP) funds to total CDAP funds being invested in the project will be considered. The evaluation threshold is a 2:1 ratio. The CDAP investment shall not exceed a 1:1 ratio.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 110.92 Competitive Public Facilities Component

The competitive public facilities component is designed to fund public facilities projects that propose to alleviate a serious threat to public health and safety. Applicants must demonstrate that a serious deficiency exists with an emphasis upon helping persons of low to moderate-income. Applications are due on an annual basis.

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a) Project Eligibility Criteria - For a project to be eligible for funding under this component, applicants must document the following:

1) At minimum, 51 percent of those benefitting from the project will be low to moderate-income persons (as defined in Section 110.30)

2) At minimum, 25 percent of project costs will be paid from other non-department funds. Examples of other funding sources may include FmHA, EPA, or local funds.

3) A serious and urgent threat to the health and safety of community residents exists.

4) The project is ready to proceed and expend funds and the project addresses the identified problem.

b) Application Review and Approval

1) Applications will be accepted once a year on a due date established at the beginning of the program pursuant to Section 110.10(c) of this Part.

2) Applications will be prepared and submitted to the Department as specified in Section 110.70 of this Part.

3) Applications will be reviewed in accordance with Section 110.100 of the Part.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 110.93 Competitive Housing Rehabilitation Component

The competitive housing rehabilitation component targets projects proposing to rehabilitate existing housing stock. The purpose is to provide decent, safe, and sanitary housing for low to moderate-income persons.

a) Project Eligibility Criteria - For a project to be eligible for funding under this component, applicants must document the following:

1) Program funds used in the rehabilitation of a residence will benefit 100% percent low to moderate-income persons.

2) At minimum, 25 percent of project costs will be paid from other non-department funds. Examples of other funding sources may include FmHA, Illinois Housing Development Authority (IHDA), or local banks.

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3) That a project plan is presented which documents selection of the area targeted for assistance.

4) The project is ready to proceed and expend funds and the project addresses the identified problem.

b) Application Review and Approval

1) Applications will be accepted once a year on a due date established at the beginning of the program year pursuant to Section 110.10(c) of this Part.

2) Applications will be prepared and submitted to the Department as specified in Section 110.70 of this Part.

3) Applications will be reviewed in accordance with Section 110.100 of this Part.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 110.100 Application Evaluation for Competitive Public Facilities and Competitive Housing Rehabilitation Components Ranking System

a) Explanation of Application Ranking System

Applicants will compete in a formalized ranking system. Applications will be ranked in three areas: Community Needs, Project Benefit, Benefit to Low and Moderate-Income Persons, and Resource Leveraging and Financial Feasibility. Community need is not a factor in the Community Development Assistance Program Set-Aside Fund and the Small-Business, Fixed-Rate Financing Fund. Community Needs factors are designed to target assistance to the most distressed areas. It is based on calculations involving data which the applicant has no control over. Project Benefits are based on the effectiveness and design of the project. Proposals are and are totally subject to local discretion in addressing them. Separate and distinct project benefit ranking criteria have been developed for the following programs: Economic Development Competitive Program, Housing Rehabilitation and Public Facilities Program, Central Business District Development Program, Community Development Assistance Program, Set-Aside Fund, and Small-Business Fixed-Rate Financing Fund. Financial Feasibility determines a project's ability to succeed based on a financial and credit analysis. Financial Feasibility is not a factor under the Housing and Public Facilities Program. The Department will review applications for ranking and selection according to the criteria described in this Section. The Department will then select projects for funding out of the top-ranking projects as

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determined under Section 110.100 subsection (b)(32) of this Part until all available funds are expended.

b) Criteria for Selection of Applications

i) Community Need: The applicants will be ranked according to the three community need criteria which will be equally weighted. Using the three criteria, the applicants will be placed into one of the following composite categories: maximum, moderate, minimal or no community need. These categories will be determined on the highest to lowest numerical percentage of need. Based upon natural breaks in the data, categories will be determined.

A) Fiscal Distress Indicator:

i) Fiscal distress indicator-----total--adjusted taxes

divided by
population x per
capita income

ii) a measure that relates a community's total adjusted taxes to gross community income. (Illinois Department of Revenue-----Revenue Sharing).

B) County Unemployment Rate-----the 1986 annualized seasonally adjusted percentage--(Illinois Department of Labor).

C) Percentage of People in Poverty--poverty percent (Illinois Department of Revenue--Revenue Sharing (1980-Census)).

1) 2) Project Benefits: This The analysis will evaluate the project benefits need, according to its impact on program needs benefit, benefit to low and moderate-income persons, and resource leveraging utilizing the ranking system for each program contained in subsections (c) and (d).

3) Financial Feasibility: A credit and financial analysis will be conducted on each application, with the exception of Housing and Public Facilities Program applications. A standard credit analysis will determine the liquidity and debt coverage for the project; ability of the company to manage debt; business trends; and projected earnings. This data will be compared to similar data for companies in the same industry using Robert Morris Associates Annual

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Statement-Studies'-(1985)-if-such-industry-is-evaluated-by this-source. --The analysis will result in a positive determination if the applicant's cash flow is equal to or greater than the debt service.

2)4) Comparative Assessment of Applications

A) The Department will initially screen and identify top ranking CDAP applications. Projects will be ranked in the categories of maximum, moderate, minimum, or no rating as described in subsections(c) and (d). These projects are defined as those that rank high in the overall assessment of community need (does not apply to Set-Aside and Fixed-Rate-Fund) and project benefit. --For example, using the criteria listed in Section 110-100(c) through (h) of this Part one project might have a "moderate" impact on meeting economic development needs--a "maximum" low--to moderate income persons benefit,--and--a "maximum" resource leveraging rating. --Another project might rank a "minimum", "moderate", and "moderate" for the same--three--project--benefit--categories. Maximum ratings do not insure that the project will be funded. The Department will then conduct intensive evaluations, leading to the CDAP grant award decisions. Department staff will conduct field visits and analyze project characteristics, including:

- i) a comparative assessment of projects--e.g., job creation,--benefit--to--minorities,--economic development impacts, low and moderate income benefits, resource leveraging, etc.;
 - ii) a verification of submitted application information;
 - iii) a thorough analysis of projects'--financial feasibility the projects readiness to proceed; and
 - iv) a determination of the innovative nature of the proposed projects applicants previous efforts to address their problems.
- B) Actual funding levels will relate closely to the competitiveness of the proposed projects. Applications will be comparatively ranked according to the criteria described in Section 110.100(b)(1),

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(2), and (3) of this Part to help determine the final funding levels. The Department reserves the right to negotiate the final funding figures, loan terms, and interest rates. --However, the Department will not approve any interest rate lower than that agreed to previously by the company and grantee.

e) Economic Development Program/Project-Benefit

i) Impact on Economic Development-Needs

A) An Application shall receive a maximum impact rating if it has fully:

i) Described economic development needs, including needs of low and moderate income persons; Applicant must provide methodology and data sources;

ii) Proposed activities that directly address the identified needs in quantifiable terms with job benefits that are substantial in relation to the extent of the need and can be completed in the time frame proposed given available project resources;

iii) Provided letters of assurance from the employment entity regarding the number of permanent jobs to be created or retained for low and moderate income people, type of jobs, wage scales and time frame for job creation;

iv) Provided additional assurances of project feasibility and firm commitments from all lenders and investors for the non-CDAP portion of the portion to be kept confidential if submitted under separate cover; (bank commitment letters must state loan terms, amortization schedule, interest rate, and conditions of its participation and the reasons why it cannot finance the entire project); and the amount of business commitment;

B) An application shall receive a moderate impact rating if it only "moderately" addresses all of or does not fully meet any one of the economic development benefit criteria: --Areas described in Section 110-100(c)(1)(A)(iii), (iv), and (v) of this Part however, are of essential importance and must be

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fully met even to achieve a moderate rating:

C) An application shall receive a minimal impact rating if it "minimally" addresses all of or does not fully meet any two of the economic development benefit criteria: --- However, -- again, -- areas -- identified -- in Section 110-100(e)(1)(A)(iii); -- (iv); and -- (v) of this Part -- must be fully met;

B) An application shall receive an insignificant impact rating if it fails to fully meet the standards of Section 110-100(e)(1)(A)(iii); -- (iv); and -- (v) of this Part -- and in addressing the remaining three areas:

2) Benefit-to-Low-and-Moderate-Income-Person

A) Maximum benefit rating shall be received if 81-100 percent --- of --- persons --- benefiting --- are --- low --- to moderate income;

B) Moderate benefit rating shall be received if 66-80 percent;

C) Minimum benefit rating shall be received if 51-65 percent; and

B) No benefit rating shall be received if 50 percent or less;

E) In order to receive the rating identified in Section 110-100(e)(2)(A) of this Part for this category, all applicants must identify the methodology used to determine the percentage of benefit.

3) Resource-Leveraging

A) Maximum resource-leveraging rating shall be received if the ratio of private sources to public funds is 2:1;

B) Moderate-leveraging rating shall be received if the ratio is 1-1/2:1;

C) Minimum-leveraging rating shall be received if the ratio is 1:1; and

B) No-leveraging rating shall be received if the ratio is less than 1:1;

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4) Jobs/CDAP-Dollars-Ratio

A) Maximum ----- under \$3,000-per-job-created

B) Moderate ----- \$3,001- --- \$5,999-per job-created

C) Minimum ----- \$6,000- --- \$8,000-per job-created

B) Insignificant ----- over \$8,000-per-job-created

C) Public Facilities Program/Ranking Criteria Project-Benefit

1) Impact on Public Facilities Needs

A) An application shall receive a maximum impact rating if it has fully:

i) Identified and documented, by another agency where possible, serious public facility needs or deficiencies;

ii) Proposed activities which will resolve the deficiencies to the greatest degree possible given the CDAP dollar amount requested;

iii) Documented that the facility is necessary to alleviate a serious problem which affects the health and safety of the community;

iv) Demonstrated that all actions have been completed to assure project implementation (e.g. cooperation agreements, assurances, firm financial commitment); and

v) Documented the financial capability of the community to finance the infrastructure improvement. Documentation must include: complete local government audit reports on the most recent past two years (must include audits of the utility systems); the number of utility users over the past three years, identifying the customers and the percentage of the total water revenues their usage represents; user fees for past three, any plans to increase these rates (if applicable), and projected user fees upon completion of the project; and documentation of general obligation or revenue

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bonds issued to finance utility projects in the past (principal only).

- B) An application shall receive a moderate impact rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria in Section (v) of this Part. However, Section (v) of this Part must be fully met to achieve a minimal rating.
- C) An application shall receive a minimal impact rating if the project only "minimally" addresses all of or does not fully meet any two of the public facilities benefit criteria. Criteria identified in Section (v) of this Part, however, must be fully met.
- D) An application shall receive an insignificant impact rating if it fails to fully meet the standards in Section (v) of this Part.
- 2) Benefit to Low and Moderate-Income Persons
- A) Maximum benefit rating shall be received if 71-100 percent of persons benefiting are low to moderate-income;
- B) Moderate benefit rating shall be received if 61-70 percent;
- C) Minimum benefit rating shall be received 51-60 percent; and
- D) No benefit rating shall be received if 50 percent or less.
- 3) Resource Leveraging
- A) Maximum resource leveraging rating shall be received if 25 percent or more of the requested CDAP funds will be funded from other public/private sources;
- B) Moderate resource leveraging rating shall be received if 15 percent or more of the requested CDAP funds will be funded from other public/private sources;

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- C) Minimum resource leveraging rating shall be received if it is documented that, despite the lack of leverage, the community made a concerted effort to secure the additional resources; and
- D) No leveraging rating shall be received if the applicant did not make efforts to secure additional resources--despite its leveraging potential.

d) Housing Rehabilitation Program/Ranking Criteria Project-Benefit

- 1) Impact on Housing Needs
- A) An application shall receive a maximum impact rating if it has fully:
- Identified and documented housing and related needs of all tenure types and special population groups (i.e., elderly, handicapped, minorities, etc.);
 - Proposed activities which directly relate to and significantly address, with quantifiable and substantial benefit, the identified needs of all tenure types and special populations;
 - Demonstrated that all actions have been completed to assure project implementation (e.g. cooperation agreements, assurances, firm financial commitments); and
 - Considered and satisfactorily addressed environmental factors and involuntary displacement.
- B) An application shall receive a moderate impact rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria described in Section (v) of this Part. Subsections (d)(1)(A)(i) through (iv) of this Part. Criteria identified in Section (v) of this Part, however, must be fully met.
- C) An application shall receive a minimal impact rating if the project only "minimally" addresses the housing benefit criteria. Areas identified in Section (v) of this Part, however, must be fully met to even qualify

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for the minimal rating.

- D) An Application shall receive an insignificant impact rating if it fails to meet the standards of Section 110-100(e) subsections(d)(1)(A)(i) and (ii) of this Part.

2) Benefit to Low and Moderate-Income persons

- A) Maximum benefit rating shall be received if 90-100 percent of persons benefiting are low to moderate-income;
- B) Moderate benefit rating shall be received if 70-89 percent; and
- C) Minimum benefit rating shall be received if 51-69 percent; and
- D) No benefit rating shall be received if 50 percent or less.

3) Resource Leveraging

- A) Maximum resource leveraging rating shall be received if 25 percent or more of requested CDAP funds will be funded from other public/private sources;
- B) Moderate resource leveraging rating shall be received if 15 percent or more of requested CDAP funds will be funded from other public/private sources;
- C) Minimum resource leveraging rating shall be received if it is documented that, despite the lack of leverage, the community made a concerted effort to secure the additional resources; and
- D) No leveraging rating shall be received if the applicant did not make efforts to secure additional resources--despite its leveraging potential.

f) Community Development-Assistance-Program-Set-Aside

1) Qualifications-for-imminent-threat-status:

- A) If conditions exist, such as widespread destruction and--the communities--or--areas--involved--lack--the resources-to-deal-with-the-disaster--the-Governor-may then declare the areas state disaster areas and

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subsequently request the federal disaster declaration by the President;

- B) In order for a community to be considered for funding for imminent threat to health and safety under the set-aside program; the community must be declared a disaster area by the President (i.e., a federal declaration);

- C) These grants still can only be made to a unit of local government; and--the community--must--first exhaust all available federal resources; and

- D) If funded; grants will be limited to eligible activities--and--have a ceiling of \$200,000--as described in Section 110-100(b)(1)(A) of this Part;

2) Qualifications-for-unique-economic-condition-status:

- A) Applications must document that a situation exists in which a significant portion of the community's jobs would be lost or not created unless certain actions were taken;

- B) Document that job creation and/or retention is an integral part of the project and application and provide such commitments from the business firm;

- C) A minimum of 51 percent of persons benefiting must be low to moderate income;

- D) Proposals will be looked upon favorably that have a very high ratio of jobs created/retained to the amount of grant funds being requested--the fewer the grant dollars per job created, the more favorably the proposal will be viewed--the community should seek the leverage of as many other sources of funds as possible; either public or private--go be favorably considered; applicants must leverage at least 50 percent of total project costs from other non-EBAP sources;

- E) The project should have a comprehensive and substantial community-wide impact in terms of primary (and secondary if applicable) employment; the tax base; etc.--these impacts should be explained and where possible documented;

- F) Proposals also must provide documentation from other

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financial--servicing--institutions--(bank--commitment letter--state--loan--terms; amortization--schedule; interest--rates; and--conditions--of--its--participation and--the--reasons--why--it--cannot--finance--the--entire project); as--well--as--financial--statements--from--the participating--firms--(3--years); to--prove--the--project's viability--and--to--indicate--that--the--project--could--not proceed--without--the--infusion--of--CBAP--assistance. Also--required--will--be--a--cash--flow--analysis/pro--forma statement--that--projects--at--a--minimum--the--first--year's operations--with--the--proposed--loan--funds.

g) Small-Business-Financing-Fund-Project-Benefits

1) Public--guaranteed--loans;--which--provide--fixed--rate--or blended--rate--(i.e.; combining--the--CBAP--rate--with--the--bank rate--to--obtain--an--overall--lower--rate)--financing--for--80 percent--of--project--funding;

2) A--minimum--of--51--percent--of--persons--benefitting--must--be--low and--moderate--income--(as--defined--in--Section--110.30--of--this Part);

3) Proposals--also--must--provide--documentation--revealing financial--feasibility--from--other--financial--servicing institutions--(bank--commitment--letter--must--state--loan--terms; amortization--schedule; interest--rates; and--conditions--of its--participation--and--the--reasons--why--it--cannot--finance--the entire--project); as--well--as--financial--statement--from--the participating--firms--(3--years); to--prove--the--project's viability--and--to--indicate--that--the--project--could--not proceed--without--the--infusion--of--CBAP--assistance. Also required--will--be--a--cash--flow--analysis/pro--forma--statement that--projects--at--a--minimum--the--first--year's--operations--with the--proposed--loan--funds;--(as--defined--in--Section--110.30--of this--Part);

4) Proposals--will--be--looked--upon--favorably--that--have--a--very high--ratio--of--jobs--created/retained--to--the--amount--of--grant funds--being--requested--the--fewer--the--grant--dollars--per--job created; the--more--favorably--the--proposal--will--be--viewed. The--community--should--seek--to--leverage--as--many--other--sources of--funds--as--possible; either--public--or--private. To--be favorably--considered; applicants--must--leverage--at--least--50% of--total--project--costs--from--other--non-CBAP--sources.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 110.105 Small Business Financing Component

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The purpose of this component is to help small businesses which need access to low-interest fixed rate financing to create or retain jobs. Funds are available throughout the year to all eligible applicants until all funds have been expended.

a) Project Eligibility Criteria - For a project to be eligible for funding under this component, applicants must document the following:

1) At minimum, 51 percent of persons benefitting from the project will be low to moderate-income (as defined in Section 110.30 of this Part);

2) Program funds will be limited to 20 percent of the total project cost and will not exceed the established grant ceiling pursuant to Section 110.80 of this Part.

3) Proposals also must provide documentation revealing financial feasibility from other financial servicing institutions (bank commitment letter must state loan terms, amortization schedule, interest rates, and conditions of its participation and the reasons why it cannot finance the entire project), as well as financial statement from the participating firm to prove the project's viability and to indicate that the project could not proceed without the infusion of CBAP assistance. Also required will be a cash flow analysis/pro forma statement that projects at a minimum the first year's operations with the proposed loan funds (as defined in Section 110.30 of this Part);

b) Application Review and Approval -

1) The procedures for application review and approval are the same as those specified in Section 110.91(b).

2) Proposals will be looked upon favorably that have a very high ratio of jobs created/retained to the amount of grant funds being requested--the fewer the grant dollars per job created, the more favorably the proposal will be viewed. The community should seek to leverage as many other sources of funds as possible, either public or private.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 110.130 Complaint Process

In the event of an Applicant Grantee complaint, the Department will follow the procedures outlined in the Illinois Administrative Procedure Act--(Ill. Rev. Stat--1981; ch--127; parts--1010-1015) 47 Ill. Adm. Code 10 (Review and

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Appeal Procedures.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Technology Commercialization Grant-In-Aid Program

2) Code Citation: 14 Ill. Adm. Code 540

<u>Section Numbers:</u>	<u>Proposed Action:</u>
540.110	New Section
540.120	New Section
540.130	New Section
540.140	New Section
540.150	New Section
540.160	New Section
540.170	New Section
540.180	New Section
540.190	New Section

4) Statutory Authority: Implementing Section 46.19a and authorized by Section 46.40(b) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.19a and Ill. Rev. Stat. 1989, ch. 127, par. 46.40(b)).

5) A Complete Description of the Subjects and Issues Involved: A new program has been added under the Technology Commercialization Grant-In-Aid Program rules (14 Ill. Adm. Code 540). The heading of the Part is therefore being changed to the "Technology Commercialization Grant-In-Aid Programs." The original program, described in Sections 540.10 through 540.70, is being labeled "SUBPART A: TECHNOLOGY CENTER PROGRAM." New Sections 540.110 through 540.190 have been added under "SUBPART B: ENTREPRENEURIAL INVESTMENT INITIATIVE PROGRAM." Rules governing this new program provide the program purpose; definitions; application availability; program application contents; application review process; general terms for revolving fund loans; administrative standards; financial assistance standards; and modification, suspension, and termination of grants.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? Yes, under Section 6.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1006.02(a)).

9) Are there any proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2203).

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- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. John Taylor, Deputy Director
Department of Commerce and Community Affairs
Bureau of Program Administration
620 East Adams Street, 5th floor
Springfield, Illinois 62701
(217) 782-6136

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 2, 1990.
- B) Types of small businesses and small municipalities affected: This rulemaking will have no effect on small municipalities. It will affect only those economic development agencies which will be eligible to apply for grant funding under this new program. Some of those agencies may be not-for-profits and are therefore considered small businesses in accordance with the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: Grantees (economic development agencies) will be required to maintain records to document the use of program funds, complete and submit reports detailing businesses which are provided with loans under the program, monitor and report on the progress of such businesses in repaying loans, and submit other documentation as necessary to assure proper use of state funding.
- D) Types of professional skills necessary for compliance: Grantees will retain staff capable of conducting financial analysis on proposed business loan projects and administering all other aspects of a local revolving loan fund.

The full text of the Proposed Amendments begins on the next page:

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TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 540

TECHNOLOGY COMMERCIALIZATION GRANT-IN-AID PROGRAMS

SUBPART A: TECHNOLOGY CENTER PROGRAM

Section	Purpose of Program (Repealed)
540.10	Definitions
540.20	Program Responsibilities
540.30	Application Package
540.40	Review of Applications
540.50	Eligible Grant Categories and Activities
540.60	Program Administration Requirements
540.70	

SUBPART B: ENTREPRENEURIAL INVESTMENT INITIATIVE PROGRAM

Section	Purpose
540.110	Definitions
540.120	Application Availability
540.130	Program Application Contents
540.140	Application Review Process
540.150	General Terms for RLF Loans
540.160	Administrative Standards
540.170	Financial Assistance Standards
540.180	Modification, Suspension and Termination of Grants
540.190	

AUTHORITY: Implementing Section 46.19a and authorized by Section 46.40(b) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.19a and Ill. Rev. Stat. 1989, ch. 127, par. 46.40(b)).

SOURCE: Adopted at 9 Ill. Reg. 2256, effective February 6, 1985; amended at 9 Ill. Reg. 15829, effective October 9, 1985; amended at 14 Ill Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART B: ENTREPRENEURIAL INVESTMENT INITIATIVE PROGRAM

Section 540.110 Purpose

The Entrepreneurial Investment Initiative Program provides matching grant funds to eligible local economic development agencies so that the local agency can make loans to start-up businesses to encourage new business formation. Under this program, the Department will issue a request for

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proposals to economic development agencies, seeking those that wish to operate a Revolving Loan Fund including projects targeted to serving low-income, unemployed individuals. Those agencies selected for participation must either operate or coordinate with a self-employment training program. Once approved, the economic development agency would be authorized to submit requests to draw against funding allocated by the Department, up to the amount of commitment made to the local economic development agency subject to appropriation by the General Assembly.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 540.120 Definitions

Department -- The Illinois Department of Commerce and Community Affairs.

Economic Development Agency -- For the purposes of this Part, includes non-profit regional planning commissions, certified development corporations, non-profit organizations, designated zone organizations, universities, community colleges, community action agencies, and small business development centers.

Grant Agreement -- The contractual agreement between the Department and recipient, which includes the scope of work to be provided, the time period for performance of the agreement, the budget, and all terms and conditions of the contract.

Local Revolving Loan Fund (RLF) -- A pool of funds from which loans are made and to which recaptured interest and principle are paid on an ongoing basis, initially capitalized with Department funds and local funds of at least 50 percent of the Department's share.

Project Operator -- Any economic development agency proposing or managing a local revolving loan fund.

Recipient -- Any economic development agency receiving grant funds under this program and administering a local Revolving Loan Fund.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 540.130 Application Availability

a) Grant applications shall be made available on an annual basis subject to administrative allocation of funds for the program.

b) Any economic development agency seeking grant monies to set up and operate a Revolving Loan Fund must submit a grant application on forms provided by the Department. A standard grant

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application form will be used statewide. Upon request, the Department will supply potential applicants with the application package.

c) Public notice of the availability of grant applications and the application due date will be published in the state recognized newspaper. Applications will be due on specific dates established by the Department. The due date shall be no less than 45 days after publication of the public notice.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 540.140 Program Application Contents

Applications must address the following items:

a) Needs Within the Local Capital Market -- Provide information on the local financial markets, including banking philosophy in the area, constraints imposed on development by local lending policies of financial institutions and the availability of private capital to invest. Describe how the local revolving loan fund project will be designed to directly address those constraints that have been identified. Show the extent to which the local demand for public loans justifies the size of the grant being requested.

b) Business and Job Development Strategy -- Identify the types of eligible borrowers which are to be served and the target area to be served such as: supporting entrepreneurial and self-employment opportunities; serving local area low-income and unemployed residents; serving individuals within areas of high poverty or in enterprise zones; or assisting those who are unable to secure credit from conventional sources. Also list the job development goals of the RLF project, for example, the expected ratio of new jobs created by a borrower to the amount of RLF proceeds provided.

c) Staffing and Management Activities -- Describe the procedures and demonstrate the capacity to manage and operate the RLF locally. Describe how the project will carry out loan packaging and processing, servicing, tracking repayments, and collection processes. Provide proof of authority to operate a revolving loan fund, including, as appropriate, articles of incorporation, by-laws, and a resolution of the board of directors of the agency authorizing participation.

d) Individual Loan Standards -- Describe the parameters under which RLF loan financing will be provided to a borrower. Identify the types of loans anticipated (for example deferred loans, debt with

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equity features or others), the interest rates to be charged, allowable uses of funds, and length of loans expected. Describe the expected ratio between RLF funds and other sources of financing for the borrower's venture, including the share to be provided by owner equity, a financial institution, and the RLF.

e) Budget and RLF Capital Management Strategy -- Identify the amount and from what source(s) the Project Operator will provide a match for the Department's grant, at least equal to one-half the amount of the grant from the Department, which will serve as the source(s) of capital to start the RLF. Describe how these other financing sources will be induced to participate. Describe the expected velocity of lending activity including average size, number, timing of loans, expected schedule of repayments, and expected loss rate.

f) Financial Evaluation (Credit Analysis) -- Describe procedures to assure that eligible borrowers which will be financed from the local RLF will undergo a standard financial evaluation and credit analysis, and state the qualifications, experience, and responsibility of the parties involved in this credit analysis process.

g) Loan Agreement -- Describe elements of the loan agreement, loan security and collateral, and insurance requirements, so as to assure adequate protection of the use of funds. Describe the role the Project Operator will play in establishing terms for the loans and in monitoring the progress of the loan. Describe procedures for handling defaulted loans.

h) Marketing Activities -- Show how the RLF project will be adequately marketed to eligible start-up businesses. Detail clearly the outreach activities, types of local application materials, direct advertising, community discussions, or linkages with potential referral sources.

i) Business Assistance Strategy -- Describe mechanisms to be used to assure that borrowers (start-up business owners receiving financial assistance) have received business training and education, or have completed a Self-Employment Training Course, have a business and finance plan, and have experience in the proposed business area. In addition, identify support service mechanisms to provide ongoing management support, technical assistance, and guidance to the start-up business.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 540.150 Application Review Process

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a) Department staff will screen applications to determine that all minimum requirements of the application package have been addressed. Applications will be reviewed in accordance with Department review criteria noted in subsection (b) of this Section.

b) A request for a grant to set up and operate a Revolving Loan Fund will be evaluated in accordance with the requirements of this subsection. The review of applications submitted by the due date shall be completed no more than 45 working days after the application due date, with grant awards being announced at the end of that period. Applications will be comparatively evaluated on the basis of:

1) The geographic area to be served, the extent of economic distress and unemployment in the area to be served, and the nature of financial needs of the area;

2) The merits of the proposed work plan and consistency of proposed activities with requirements of Sections 540.140 and 540.160;

3) The demonstrated capability and past experience of the applicant in managing the work activities similar to those proposed;

4) The amount of matching funds, as authorized pursuant to Section 540.180, shall be provided, at a minimum, at an amount of at least 50 percent of the Department's share, and preferably 100 percent of the Department's share;

5) Letters of cooperation between the proposed program and a self-employment training course;

6) The level of economic development results expected including but not limited to new businesses started, jobs created, and private funds leveraged; and

7) The extent to which those organizations have not previously been assisted with a Department grant (which could be or is being used as a Revolving Loan Fund).

c) Applications which best meet the evaluation standards of subsection (b) of this Section will be selected for funding. Priority will be given to programs which serve high poverty areas, enterprise zones or both.

d) Upon selection, the Department will notify applicants of the amount of grant, if any, which may be used to set up and operate

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the local Revolving Loan Fund. The Department will issue a grant agreement for signature by the local Project Operator.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 540.160 General Terms for RLF Loans

- a) Business Plans -- The RLF Operator shall assure that all loan APPLICATIONS SHALL CONTAIN A CERTIFICATION AND ASSURANCE THAT THE SMALL BUSINESS APPLICANTS HAVE RECEIVED BUSINESS DEVELOPMENT TRAINING OR EDUCATION, HAVE A BUSINESS AND FINANCE PLAN AND HAVE EXPERIENCE IN THE PROPOSED BUSINESS AREA (Section 46.19a(2)(f) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.19 a(2)(f)).

- b) Loan Approval -- The RLF Operator is ultimately responsible for receiving business plans, approving loans for eligible borrowers, arranging for loan closing, securing signed notes and collateral agreements for the loan, filing Commerce Commission notices, securing a first source (employment) agreement if needed, disbursing RLF loan proceeds to the borrower, administration of the loan portfolio, servicing of loan repayments and all other duties and responsibilities for operation of the RLF.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 540.170 Administrative Standards

- a) Grant Agreement -- During formal negotiations and discussions held with the Department, the Department and the applicant will agree to the scope of work of the grant agreement and the period of the grant agreement which shall be no longer than two years.
- b) Complaint Process -- In the event of a complaint, the Department will follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).
- c) Administrative Costs -- The Project Operator may use up to 10 percent of the grant funds for administrative costs as specified in the grant agreement.
- d) Conflict of Interest -- Each Project Operator shall provide systems to assure there is no conflict between borrowers and members of the applicant's staff, board or loan review committee to the extent that no staff, board or loan review committee member shall have any financial interest in nor shall the member profit from, any loan to a borrower.
- e) Progress Reports -- At least on a semi-annual basis, progress

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reports shall be prepared by the Project Operator pertaining to and describing items such as its progress in lending funds, specific business assisted and jobs created, the amount of funds loaned, and jobs created or retained. A copy shall be delivered to the Department within 45 calendar days of the end of each designated period.

- f) Record Review and Monitoring -- Recipients and their subcontractors, if any, must permit any agent authorized by the Department, upon presentation of credentials, to have full access to and the right to examine any documents, papers and records of the recipient involving transactions related to a grant under this program, for three (3) years from the date of submission of the final progress report or until audit findings have been resolved, whichever is later.

- g) Record Retention Requirements -- All recipients must maintain records in accordance with the provisions contained in the grant agreement.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 540.180 Financial Assistance Standards

- a) Financial Management System -- A recipient's financial management system shall be structured to meet the requirements of the grant agreement. The recipient is accountable for funds received under this grant and shall maintain effective control and accountability over all funds and other assets under the grant.
- b) Matching Funds -- Matching funds for an RLF project shall consist only of funds made available and used as RLF proceeds, under the control of the Project Operator and used for business loan financing. No in-kind, non-cash contributions shall be allowed as match. Other contributions which take the form of loans from a financial institution or other lender directly to an eligible business venture are not considered match to the RLF.
- c) Audits -- The recipient shall be responsible for securing an audit of all loan records and such audit must be performed by an independent public accountant, certified and licensed by authority of the State of Illinois. The audit must be conducted in accordance with generally accepted auditing standards.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 540.190 Modification, Suspension and Termination of Grants

- a) Modification and Amendment of the Grant -- The grant award is

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subject to revision as follows:

- 1) Modifications by Operation of Law -- The grant award is subject to such modifications as may be required by changes in State law or regulations. Any such required modification shall be incorporated into and made a part of the grant within the provisions of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1989, ch. 127, pars. 2301 et seq.). The Department shall notify in writing the recipient of any amendment to such regulations.
- 2) Modifications in Budget -- A recipient's request for budget variations in the amount or line item costs shall be in writing by registered letter and shall give justifications for the requested variations. The Department may approve modification requests, if, in the Department's sole determination, such is necessary to achieve program objectives. Any changes in cost categories or line items shall not alter the activities or deliverables for the project. If the Department approves the modification request, the recipient will be notified in writing of the change and the effective date of the change.
- 3) Other Modifications by Department or Recipient -- If either the Department or the recipient requests to modify the terms of the grant award other than as set forth in subsections (a)(1) and (2) above, written notice of the proposed modification shall be given to the other party. No modification shall take effect unless agreed to in writing by both the Department and the recipient.

b) Suspension --

- 1) If the Department believes that a recipient has failed to faithfully perform the terms and conditions of the scope of work of the project, then the Department may suspend the grant and withhold further payments until the grant is terminated, or the recipient's failure has been corrected. The recipient may appeal such decision as provided in Section 540.170(b) of this Subpart.
- 2) The Department will determine that a recipient has failed to faithfully perform the terms and conditions of the scope of work of the project when:
 - A) The Department has notified the recipient in writing of the existence of circumstances such as repeated failure to submit required reports; misapplication of grant funds; evidence of fraud and abuse; repeated

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failure to meet performance objectives, timelines, or standards; failure to provide or substantiate matching funds; or failure to resolve negotiated points of the agreement; and

- B) The recipient fails to develop and implement a corrective action plan satisfactory to the Department within 30 calendar days of the Department's notice.
- c) Termination of Financial Assistance -- Financial assistance shall be terminated for the following reasons:
 - 1) Termination Due to Loss of Funding -- In the absence of State funding for a specific year, all grants that year will be terminated in full. In the event of a partial loss of State funding, the Department will make proportionate cuts to all recipients.
 - 2) Termination for Cause -- If the Department determines that the recipient has failed to comply with the terms and conditions of the financial assistance; has failed to observe or perform or cause the observance or performance of any covenant contained in the agreement; or any statement, certification, representation or warranty made by or on behalf of the recipient shall prove to have been untrue or incorrect in any material respect when made, the Department shall terminate the grants in whole, or in part, at any time before the date of completion.
 - 3) Termination by Agreement -- The Department and the recipient shall terminate the grant in whole, or in part, when the Department and the recipient agree that the continuation of the project would not produce beneficial results commensurate with the future expenditures of funds.

(Source: Added at 14 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULES

- 1) HEADING OF THE PART: Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species

- 2) CODE CITATION: 17 Ill. Adm. Code 1075

- 3) SECTION NUMBERS:

1075.10
1075.20
1075.30
1075.40
1075.50
1075.60
1075.70
1075.80

PROPOSED ACTION:

New Section
New Section
New Section
New Section
New Section
New Section
New Section

- 4) STATUTORY AUTHORITY: Implementing and authorized by Section 11(b) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1989, ch. 8, par. 341).

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
This new Part is being proposed to comply with Section 341(c) of the Illinois Endangered Species Protection Act, which authorizes the Department of Conservation to adopt rules necessary for the implementation of the Act.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE?
No

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?
No

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

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Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED RULES BEGINS ON THE NEXT PAGE:

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NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER c: ENDANGERED SPECIES

PART 1075

CONSULTATION PROCEDURES FOR ASSESSING IMPACTS
OF AGENCY ACTIONS ON ENDANGERED AND THREATENED SPECIES

Section 1075.10	Purpose
1075.20	Definitions
1075.30	Actions Reviewed and Exempted
1075.40	Consultation Process
1075.50	Special Circumstances
1075.60	Emergencies
1075.70	Public Involvement
1075.80	Alternative Action Guidelines

AUTHORITY: Implementing and authorized by Section 11(b) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1989, ch. 8, par. 341).

SOURCE: Adopted at 14 Ill. Reg. _____, effective _____.

Section 1075.10 Purpose

The purpose of these rules is:

- a) To establish a consultation process between the Department and agencies of State and local governments of Illinois concerning impacts on State endangered and threatened species by actions authorized, funded, or carried out by those agencies which are authorized by Section 11(b) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1989, ch. 8, par. 341).
- b) To provide a consultation procedure designed to assist agencies of State and local governments in the evaluation of proposed actions for the purpose of addressing the adverse impacts to endangered or threatened flora or fauna as listed by the Illinois Endangered Species Protection Board, or to the essential habitat of such species.
- c) To promote the conservation of threatened and endangered species by establishing the following policy: the avoidance of adverse impacts is a priority of action;

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when avoidance is not practicable, adverse impacts should be minimized; and when practicable alternatives do not exist and an adverse impact is likely to occur, compensation shall be requested.

d) These rules provide details for the following:

- 1) actions requiring review and those exempted;
- 2) filing of the Report of Action;
- 3) filing of the Detailed Action Report;
- 4) preparation of the biological opinion;
- 5) emergencies;
- 6) public involvement opportunities; and
- 7) alternative action guidelines.

Section 1075.20 Definitions

The following terms will be used throughout this Part:

Action - construction, land management, or other activities that will result in a change to the existing environmental conditions that are authorized, funded, or performed in whole or in part by agencies of State and local governments, and that may affect listed endangered or threatened species or their essential habitat.

Adverse Impact - a direct or indirect alteration of the physical or biological features of the air, land or water which may affect the survival, reproduction or recovery of a listed species.

Agency - includes all agencies, boards and commissions which are under the jurisdiction of State or local governments.

Biological Opinion - the component of the Detailed Action Report prepared by the Department, when a valid record of an occurrence for a threatened or endangered species exists within the vicinity of a proposed action. This opinion will conclude whether the action will jeopardize the listed species present or destroy or adversely modify their essential habitat.

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Conservation - utilization of, all methods and procedures which are necessary to bring any endangered or threatened species to the point at which the protection provided by the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1989, ch. 8, par. 331 et seq.) are no longer necessary. These methods and procedures include, but are not limited to, all activities associated with scientific resources management, such as research, census, habitat acquisition, habitat management restoration, and maintenance and propagation.

Cumulative Effects - direct and indirect effects of a proposed action(s) together with the identifiable effects of actions that are interrelated or interdependent with the action. Indirect effects are those that are caused by the action but are later in time or farther in distance. Interrelated actions are those that are a part of a larger action. Interdependent actions are those that have independent utility apart from the action.

Department - means the Department of Conservation.

Detailed Action Report - a written report that is prepared by an agency when a threatened or endangered species has been identified within the vicinity of a proposed action. This report shall contain sufficient information to make a judgement regarding the potential adverse impacts to a listed species or its essential habitat.

Essential Habitat - is the physical and biological environment that is required to maintain viable populations of a listed species in order to ensure the survival and recovery of that species.

Jeopardize - to engage in an action which would reduce the likelihood of the survival or recovery of a listed species or would result in the destruction or adverse modification of the essential habitat of such a species.

Listed Species - is any species of plant or animal which has been listed as endangered or threatened by the Illinois Endangered Species Protection Board or the U.S. Fish and Wildlife Service.

Report of Action - a form provided by the Department and submitted by agencies proposing an action(s) requiring

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consultation. The information required to be submitted shall be sufficient to determine the presence or absence of a threatened or endangered species in the vicinity of the proposed action.

Vicinity - the area surrounding the action, as determined by the life history requirements of the species of concern.

Section 1075.30 Actions Reviewed and Exempted

a) Actions Requiring Review for Consultation - Any construction, land management or other activity authorized, funded or performed by a State agency or local unit of government that will result in a change to the existing environmental conditions and/or may have a direct or indirect adverse impact on a listed species or its essential habitat or that otherwise jeopardizes the survival of that species must be evaluated through the consultation process. This includes but is not limited to the following:

- 1) the alteration, removal, excavation or plowing of non-farmed, non-cultivated areas, or dredging of soil, sand, gravel, minerals, organic matter, vegetation, or naturally occurring materials of any kind;
- 2) the changing of existing drainage characteristics or sedimentation patterns;
- 3) the grading or removal of materials that would alter existing topography;
- 4) the creation of new, or the increase in existing permanent barriers to the movement of wildlife, such as, dam construction;
- 5) a discharge of pollutants into the air, water or on the land;
- 6) the application of chemicals to the air, water, or on the land;
- 7) preliminary plats, plans and permits; and
- 8) an application for rezoning from a non-urban classification to an urban classification (e.g. from

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agricultural to residential).

b) Actions Not Requiring Review - Actions authorized, funded or performed by State agencies or local units of government not having an adverse impact to a listed species or its essential habitat are not required to be evaluated by the consultation process. Such actions shall involve activities not listed in Section 1075.30(a) (e.g. acquisition).

c) Actions Exempted - The following actions are exempt from the consultation process unless it is evident that there will be an adverse impact to a listed species or its essential habitat:

- 1) mowing within maintained highway rights-of-way;
- 2) routine resurfacing and application of oil and gravel to existing roads and highways that do not require widening of the road or shoulder;
- 3) construction activities required for the maintenance or repair of existing structures;
- 4) actions in those areas with a Department-approved management plan, where the proposed actions are consistent with the plan;

5) actions within highway rights-of-way, unless specifically notified by the Department, that adjoin land used for agricultural or urban purposes, except those portions of the right-of-way adjacent to borrow pits, railroads, streams, wetlands, lakes, or other natural areas and open space.

6) maintenance of existing lawns, yards and ornamental plantings;

7) annual, routine cultivation of existing agricultural lands; and

8) change of zoning requests for land currently zoned, developed, and used in its entirety for commercial, industrial or residential purposes.

d) Memorandums of Understanding - the Department may enter into an agreement with an agency, referred to as a Memorandum of Understanding (MOU) which allows the

development of an expedited review process, the review of comprehensive plans and natural resource ordinances, or exempts from the consultation process those actions commonly performed by that agency and that have no adverse impact to a listed species or its essential habitat.

1) The Memorandum of Understanding shall expire in 1 to 3 years, based on the type of activity or the frequency with which it is performed. At the time of renewal, the agency shall submit a report evaluating the following:

- A) whether the actions exempted avoided, minimized or created an adverse impact to a listed species and its essential habitat; and
- B) if the technology of the exempted action has changed to such an extent that the action should no longer be exempted.

2) The Memorandum of Understanding shall be available for review from the Department upon request.

e) If more than two years elapses between the review and approval of the proposed action and implementation, the Department shall have an opportunity to review the Report of Action Form again to determine whether a listed species is present.

f) Compliance with this Part does not relieve the agency from applicable state or federal laws or regulations.

Section 1075.40 Consultation Process

As authorized by the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1989, ch. 8, par. 341), state and local units of government shall evaluate, through a consultation process with the Department, whether actions authorized, funded, or carried out by them, as defined in Section 1075.30, are likely to jeopardize the continued existence or recovery of Illinois listed endangered or threatened species or are likely to result in the destruction or adverse modification of the essential habitat of such species. The proposed action shall not commence until the completion of the consultation process. This consultation process shall consist of the following:

- a) After identifying a specific action included in Section

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1075.30, an agency shall complete and submit the Report of Action to the Department. This shall be submitted as early in the planning process as may be practicable and prior to approval of preliminary plat, design, permit, plan, or project approval. The purpose of this report is to identify the specific location of the project in order to determine if a listed species is located within the vicinity of the proposed action. The Report of Action shall include but not be limited to the following:

- 1) name and address of agency proposing the action;
- 2) the responsible person within that agency;
- 3) the precise location of the proposed action in sufficient detail to determine the presence or absence of a listed species;
- 4) a brief description of the proposed action; and
- 5) the starting and ending dates of the proposed action.

b) The Department shall review the Report of Action and determine whether a valid record of occurrence for a listed species exists within the vicinity of the proposed action. The agency will receive one of two responses from the Department within 30 calendar days of receipt of the Report of Action:

1) If no listed species or their essential habitat have been identified in the vicinity of the proposed action, a letter will be sent indicating that further consultation is not necessary.

2) If a listed species is identified within the vicinity of the project, the agency will be sent a letter explaining the continuation of the consultation process and a Detailed Action Report.

c) The agency shall complete the Detailed Action Report, and submit it to the Department. Sufficient information must be provided about the proposed action to determine the potential indirect, direct and cumulative adverse impacts to the listed species present or its essential habitat. The Detailed Action Report shall include, but is not limited to the following components:

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- 1) name and address of agency proposing the action;
- 2) responsible person within the agency;
- 3) a detailed map indicating the precise location of the proposed action;
- 5) a detailed description of the proposed action, including any direct or indirect alteration or destruction of the vegetation, changes anticipated to air or water quality, alteration of the topography, or any other detail that might jeopardize the listed species or its essential habitat;
- 6) starting and ending dates of the proposed project; and
- 7) discussion of alternatives which were considered.

d) Upon completing the portion of the Detailed Action Report involving the proposed project, the agency shall provide background information on the listed species present. The direct and indirect effects of the proposed action on the listed species and its essential habitat including cumulative effects shall be analyzed by the agency. The Department may assist in this analysis.

e) Upon completion, the agency shall submit the Detailed Action Report to the Department for the formulation of a biological opinion as to whether the proposed action, taken with its cumulative effects, will jeopardize the listed species present or have an adverse impact on its essential habitat. The biological opinion shall be completed within 60 calendar days of receipt of a completed Detailed Action Report. The biological opinion shall result in one of the following conclusions:

- 1) the action may promote the conservation of a listed species or its essential habitat, in which case the consultation process is terminated;
- 2) the action is not likely to jeopardize a listed species or its essential habitat, in which case the consultation process is terminated; or
- 3) the proposed action is likely to jeopardize a listed

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species or its essential habitat, in which case the consultation process shall continue.

f) If the biological opinion concludes that the proposed action is likely to have an adverse impact, recommendations to avoid these impacts shall be provided to the agency by the Department.

g) A meeting shall be scheduled with representatives of the agency and the Department to discuss alternatives to the proposed action that would avoid, minimize or compensate for the impacts.

h) After the consultation meetings have taken place to discuss practicable alternatives, the agency shall notify the Department in writing, stating their decision to proceed, modify, or forgo the action, and which, if any, of the alternatives included in the Detailed Action Report they are adopting.

i) If the Department disagrees with the agency's decision, it shall notify the agency in writing within 10 days.

j) It is desirable that disagreements which arise over an agency's response or procedural questions be resolved quickly and at the lowest possible level of agency involvement. For most actions, areas of disagreement should be resolved by middle and upper level management of the Department and agency involved. However, where there is failure to reach agreement, it may be necessary to refer the matter to the agency head level for resolution.

Section 1075.50 Special Circumstances

a) When a particular action involves more than one agency, these agencies may, upon notification to the Department, fulfill their consultation requirements through a single lead agency. Factors relevant in determining appropriate lead agency include the time sequence in which agencies would become involved in the action, the magnitude of their respective involvement, and their relative expertise with respect to the environmental effects of the action.

b) In the case of complex actions, where the Department and the agency determine that additional information is needed concerning the listed species and/or the action,

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the period for the agency to prepare the Detailed Action Report, and the Department to formulate the biological opinion, may be extended by mutual agreement. During this extension, an agency shall make no irreversible or irretrievable commitments of resources that would foreclose implementation of any reasonable and prudent alternative prior to issuance of a biological opinion.

c) The consultation process shall be modified for the review of rezoning applications (See Section 1075.30(a)(8)):

1) The Report of Action shall be submitted for review as required in Section 1075.40(a).

2) If no listed species are known to be present, a letter of notification of the termination of the consultation process will be sent within thirty days.

3) If a listed species is identified, the information shall be provided for consideration in the decision to grant the request for rezoning. This information shall be made a matter of public record.

4) The consultation process will not proceed until such time that development of that parcel is under consideration. At that time, the municipality shall submit to the Department a Detailed Action Report and continue the consultation process as defined in Section 1075.40(c) through (j).

d) The consultation process may be initiated or a terminated consultation process may be reopened by the Department or the agency if:

1) New information reveals effects of the identified action that may adversely affect a listed species or its essential habitat in a manner not previously considered; or

2) The proposed action is subsequently modified such that it may adversely affect a listed species or its essential habitat in a manner which was not considered in the consultation process; or

3) Additional listed species or their essential habitat are identified within the vicinity of the action.

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Section 1075.60 Emergencies

- a) Two types of emergency conditions may exist that require special treatment:

1) Where emergency circumstances pose an immediate threat to human life, or severe loss of property is imminent from situations involving acts of God, disasters, casualties, or national defense or security emergencies, and action must be taken immediately, the agency can proceed without notifying the Department prior to taking action. The consultation process shall be initiated as soon as practicable after the emergency is under control, but not to exceed 30 calendar days. The agency shall submit a Detailed Action Report, which shall include information on the nature of the emergency actions, the justification for requiring immediate action, and any adverse impacts to a listed species or its essential habitat that may have resulted. The Department shall evaluate such information and issue a biological opinion, including the information and recommendations given during the emergency consultation.

2) Where emergency circumstances pose a threat to human life or loss of property and the action must commence within 30 days, the agency may request permission to commence the action without undergoing the consultation process prior to the action. The agency shall contact the Department prior to commencing the action and explain the nature of the problem. The Department shall determine whether a listed species is present within the vicinity of the action and notify the agency in writing. One of two courses of action shall then be taken:

- A) if no listed species or their essential habitats are present, the action may commence and the consultation process is terminated; or
- B) if a listed species or its essential habitat is present within the vicinity of the project, alternatives shall be discussed to avoid or minimize the adverse impacts prior to commencement of the action. Upon written approval of the Department, the consultation process is terminated.

Section 1075.70 Public Involvement

Provisions shall be made to inform the public of the actions of the Department under this Part and to consider public comment, where appropriate. This may include, but is not limited to maintaining a list, as funds permit, by the Department for those persons wishing to receive notification of those projects involved in the consultation process under Section 1075.40(b)(2).

Section 1075.80 Alternative Action Guidelines

Alternative Action Guidelines - In order to assist state and local agencies in evaluating and selecting alternatives to proposed actions that adversely affect listed species or their habitat, the Department may prepare Alternative Action Guidelines for alternatives to a range of actions common to these agencies. These Guidelines shall propose practicable alternatives to actions affecting a listed species, while at the same time maintaining the project purpose to the greatest extent possible. These Guidelines shall serve to encourage the consideration of alternatives prior to initiation of the consultation process. They will be made available to all units of government as they are prepared.

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NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: The Forest Products Transportation Act

2) CODE CITATION: 17 Ill. Adm. Code 1530

3) SECTION NUMBERS: PROPOSED ACTION:

1530.10
1530.60

Amendments
Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by the Forest Products Transportation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 6901 et seq.).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED: The amendments to this Part were made to bring the rule into compliance with statutory language and to clarify exactly when the date of purchase is.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 3, 1990.

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B) Types of small businesses affected: Timber Buyers

C) Reporting, bookkeeping or other procedures required for compliance: owners of commercial motor vehicles are no longer required to obtain a certificate from the Illinois Commerce Commission and the date of purchase is further clarified.

D) Types of professional skills necessary for compliance: None

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER d: FORESTRY

PART 1530

THE FOREST PRODUCTS TRANSPORTATION ACT

Section

- 1530.10 Definitions
 1530.20 Intent of Forest Products Transportation Act
 1530.30 Correspondence and Inquiries Regarding this Act
 1530.40 Enforcement of Act
 1530.50 Proof of Ownership
 1530.60 Requirements and Format for "Proof of Ownership"
 1530.70 Registration
 1530.80 Violations (Repealed)
 1530.90 Effective Date (Repealed)

AUTHORITY: Implementing and authorized by the Forest Products Transportation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 6901 et. seq.)

SOURCE: Adopted February 26, 1974, effective March 15, 1974; codified at 5 Ill. Reg. 10655; amended at 7 Ill. Reg. 8765, effective July 15, 1983; amended at 13 Ill. Reg. 17379, effective October 27, 1989; amended at 14 Ill. Reg. _____, effective _____.

Section 1530.10 Definitions

The following terms are defined as is set forth in Sections 2 through 2.07 inclusive of the Forest Products Transportation Act, as amended, (Ill. Rev. Stat. 1983, ch. 96 1/2, par. 6901 et. seq.):

- a) Department means the Department of Conservation.
- b) "Tree" or "trees" means any tree, standing or felled, living or dead, and includes both those trees included within the definition of "timber" in Section 2 of the "Timber Buyers Licensing Act" and Christmas trees. The term does not apply to trees or parts of trees that have been cut into firewood. The Act cited in this definition is located in Ill. Rev. Stat. 1983, ch. 111, par. 701 et. seq.
- c) "Forest product" means logs which can be used for sawing

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or processing into lumber for building or structural purposes, for the manufacture of furniture or for the manufacture of any article.

- d) "Person" means any person, partnership, firm, association, business trust or corporation.
- e) "Timber Grower" means the owner, tenant or operator of land in this State who has an interest in, or is entitled to receive any part of the proceeds from the sale of timber grown in this State and includes persons exercising authority to sell timber.
- f) "Proof of ownership" includes a written bill of sale executed by the owner-seller, a written bill of lading executed by the owner-seller or a written or printed indication that the person in possession is the agent or employee of the owner or has possession with the knowledge and consent of the owner.

- 2) ~~For commercial motor vehicles required to obtain a certificate from the Illinois Commerce Commission, "proof of ownership" shall also include the ability to produce any of the items listed above within 24 hours.~~

- g) "Owner", when referring to trees or forest products grown or growing on public lands under the jurisdiction of the federal government, the State or any unit of local government or school district within the State, means the person empowered by law, or by action of the corporate authorities of the governmental entity pursuant to law, to sell or dispose of trees and forest products from the governmental lands.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1530.60 Requirements and Format for "Proof of Ownership"

- a) The "proof of ownership" required under the Act and as set forth in this Part shall be complete and contain the following information:
 - 1) Point of origin.

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- 2) Point of destination.
- 3) Sellers (timber grower's) name, address, phone number and signature.
- 4) Transporter's name, address and phone number if different from buyers.
- 5) Buyer's (that person who now owns the transported forest products, tree or trees, as defined in the Act) name, address, phone number and signature.
- 6) Date over-the-road hauling will occur. This date may be a period of time which is inclusive of the timber purchase contract dates.
- 7) Statement that the "forest products, tree or trees" have been purchased from the designated seller or are being transported with knowledge and consent of the buyer or that person in possession is an agent or employee of the buyer.
- 8) Date of purchase (when agreement was made).
- b) While a specific form is not required for providing the above required information, a suggested printed format (form U-102-73) may be requested from the Department, and may be imprinted on the letterhead used in the general conduct of business of any "person" in complying with the Act and this Part.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Possession of Specimens or Products of Endangered and Threatened Species
- 2) CODE CITATION: 17 Ill. Adm. Code 1070
- 3) SECTION NUMBERS:

1070.10	Amendments
1070.20	Amendments
1070.30	Amendments
1070.60	Amendments
1070.70	Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 4 and 11(c) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1989, ch. 8, pars. 334 and 341(c)).
- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED: Amendments to this Part are needed because of the recent creation of the Endangered and Threatened Species Conservation Program with the Department's Division of Natural Heritage. With this program in place the Department can assume their mandated responsibility for the issuance and maintenance of permits. The Endangered Species Protection Board will no longer be involved with permit matters unless asked to advise the Department.
- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.
- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

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Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE.

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER C: ENDANGERED SPECIES

PART 1070

POSSESSION OF SPECIMENS OR PRODUCTS OF
ENDANGERED OR THREATENED SPECIES

Section
1070.10
1070.20
1070.30
1070.40
1070.50
1070.60
1070.70
1070.80

Definitions
Permit Requirements
Permit Provisions
Limited Permit Provisions
Reporting Requirements
Facilities and Animal-Welfare Standards (Animal)
Facilities Standards (Plant)
Revocation

AUTHORITY: Implementing and authorized by Sections 4 and 11(c) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1997-1989, ch. 8, pars. 334 and 341(c)).

SOURCE: Adopted 13 Ill. Reg. 14921, effective September 6, 1989; amended at 14 Ill. Reg. _____, effective _____.

Section 1070.10 Definitions

Animal - those organisms commonly included in the science of zoology and generally distinguished from plants by possession of a nervous system and the ability to move from place to place, including all invertebrates such as sponges and mollusks as well as vertebrates such as fishes, amphibians, reptiles, birds, and mammals. (Section 2 of the Illinois Endangered Species Protection Act) (the Act) (Ill. Rev. Stat. 1987-1989, ch. 8, par. 332).

Animal Product - the fur, hide, skin, teeth, feathers, tusks, claws, eggs, nests or the body or any portion thereof whether in a green or raw state or as a product manufactured or refined from an animal protected under the Illinois Endangered Species Protection Act (Section 2 of the Act) or under rules issued pursuant to that Act.

Board - the Illinois Endangered Species Protection Board. (Section 2 of the Act).

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~~Coordinator - the Endangered Species Program Coordinator employed by the Board.~~

Department - the Illinois Department of Conservation. (Section 2 of the Act).

Director - the Director of the Illinois Department of Conservation. (Section 2 of the Act).

Endangered Species - any species of plant or animal classified as endangered under the Federal Endangered Species Act of 1973 (P.L. 93-205, effective December 28, 1973) and amendments thereto, plus such other species which the Board may list as in danger of extinction in the wild in Illinois due to one or more causes including but not limited to, the destruction, diminution or disturbance of habitat, overexploitation, predation, pollution, disease, or other natural or manmade factors affecting its prospects of survival, but not including nursery plant stock obtained from a non-wild source, nor pre-act or legally obtained birds of prey held by licensed falconers. (Section 2 of the Act).

Federal Endangered Plant - A plant appearing on the Federal Endangered Species List.

Illinois List - those species of animals and plants listed by the Board as endangered or threatened. (Section 2 of the Act).

Person - any individual, firm, corporation, partnership, trust, association, private entity, government agency, or their agents, and representatives. (Section 2 of the Act).

Plant - any organism not considered to be an animal, including such organisms as algae, fungi, bryophytes, and ferns, as well as flowering plants and conifers. (Section 2 of the Act).

Plant Product - any plant body or part thereof removed from natural habitat, including seeds, fruits, roots, stems, flowers, leaves, or products made from any of these, including extracts and powders. (Section 2 of the Act).

Program Manager - the supervisor of the Endangered and Threatened Species Conservation Program in the

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Department.

Scrap - to dispose of a specimen or product of an endangered or threatened species in a manner which permanently removes that specimen or product from the possession of the permit holder and renders the specimen or product unsuitable for possession by any other person. This shall include, but not be limited to euthanasia, burning, or burial.

Specimen - a live individual of any animal or plant species.

Take - in reference to animals and animal products, to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture, collect, or to attempt to engage in such conduct. In reference to plants and plant products, to collect, pick, cut, dig up, kill, destroy, bury, crush, or harm in any way.

Threatened Species - any species of plant or animal classified as threatened under the Federal Endangered Species Act of 1973 (P.L. 93-205, effective December 28, 1973) and amendments thereto, plus such other species which the Board may list as likely to become endangered in Illinois within the foreseeable future. (Section 2 of the Act).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1070.20 Permit Requirements

a) It shall be unlawful for any person to take, possess, transport, purchase, or dispose of specimens or products of an endangered or threatened animal or federal endangered plant after the date of listing unless a valid permit for such activity has been issued pursuant to this Part or as otherwise provided for in this Section or 17 Ill. Adm. Code 1590 (Falconry and the Captive Propagation of Raptors).

b) Any person having a current, valid permit issued by the U.S. Fish and Wildlife Service pursuant to the Federal Endangered Species Act of 1973 (P.L. 93-205, effective December 28, 1973) or an Exhibitor Permit issued by the U.S. Department of Agriculture or the U.S. Fish and Wildlife Service for the taking, possession,

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transportation, purchase, or disposal of species designated as endangered or threatened by the Secretary of the Interior of the United States and not known to occur within the State of Illinois, shall be considered to have met the requirements for issuance of a permit pursuant to this Part and shall be issued a permit upon request.

c) Notwithstanding subsection (a), any person may possess or transport a species on the Illinois list within Illinois for purposes such as circuses, theatrical acts, carnivals, or displays, provided that the listed species is held under a current, valid permit for such purposes issued by the U.S. Fish and Wildlife Service pursuant to the Federal Endangered Species Act of 1973 (P.L. 93-205, effective December 28, 1973) or an Exhibitor Permit issued by the U.S. Department of Agriculture, U.S. Fish and Wildlife Service, or the appropriate authorities of a state other than Illinois, for a period not to exceed thirty (30) days in any calendar year.

d) Notwithstanding subsection (a), any employee or agent of the Department or the Board, ~~who obtains a permit pursuant to this Part~~ or the U.S. Fish and Wildlife Service who is designated by that agency for such purposes, shall be authorized, when acting in the course of his official duties, to take endangered or threatened animals without a permit if such action is necessary to aid a sick, injured or orphaned specimen; or dispose of a dead specimen; or salvage a dead specimen which may be useful for scientific study or educational purposes.

e) Any taking pursuant to subsection (d) must be reported in writing to the ~~Coordinator~~ Program Manager within ten (10) working days.

f) It shall be unlawful for any person to possess, purchase, or dispose of specimens or products of an endangered or threatened animal or federal endangered plant which was in the possession of that person prior to May 1, 1973, or acquired legally out-of-state unless a valid limited permit for such activity has been issued pursuant to this Part, which permit shall be issued upon proof of pre-Act or legal acquisition.

g) It shall be unlawful for any person to propagate or attempt to propagate any endangered or threatened animal or federal endangered plant unless a valid permit

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specifically allowing such activity has been issued pursuant to this Part.

h) It shall be unlawful for any person to perform taxidermic services upon any product of an endangered or threatened species except as allowed by this Part.

i) It shall be unlawful for any person to possess an endangered or threatened animal for purposes of veterinary rehabilitation for a period exceeding ninety (90) days unless a valid permit for such activity has been issued pursuant to this Part. Only persons holding a rehabilitation permit issued by the Department shall possess endangered or threatened animals for such purposes. All rehabilitators are required to notify the ~~Coordinator~~ Program Manager within 10 working days of the receipt of any endangered or threatened animals. Release of rehabilitated animals shall be only at the location at which the animal was collected or at another location approved by the Department.

j) Permits issued under this Part or valid copies thereof must be in the possession of the holder or his agent when engaged in activities involving endangered or threatened animals or federal endangered plants and presented upon demand to any authorized officer or agent of the Department or any police officer of the State of Illinois or of any unit of local government within the State of Illinois.

k) No person shall transfer a permit issued pursuant to this Part to another person.

l) Except as otherwise stated on the face of a permit, any person who is under the direct control of the permittee, or who is employed by or under contract to the permittee for the purposes authorized by the permit, may carry out the activity authorized by the permit.

m) The authorizations on the face of a permit which allow specific activities (e.g. taking, possession, disposal), specify numbers or quantities of specimens or products, or otherwise permit a specifically limited matter, are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.

n) A permittee who furnishes his permit to the Director for

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endorsement or correction in compliance with this Part may continue those activities authorized by the permit pending its return.

- o) All correspondence regarding permits issued pursuant to this Section shall be addressed to:

Endangered Species Program Coordinator ~~Manager~~
Division of Natural Heritage
Illinois Department of Conservation
524 S. Second Street
Springfield, IL 62701-1787

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1070.30 Permit Provisions

To take, possess, transport, purchase, or dispose of specimens or products of endangered or threatened animals or federal endangered plants after the date of listing, an applicant must provide a scientific, educational, or zoological/botanical justification to keep such animals, animal products, plants, or plant products.

- a). Scientific Purpose - Persons planning to conduct research involving endangered or threatened animals or federal endangered plants must apply for a permit for scientific purposes.

- 1) In addition to completing a permit application form provided by the Department, the applicant for a scientific permit must submit:

- A) an outline of the proposed research, including the scientific justification for such research, methods to be used, needs for the use of an endangered or threatened species, and a statement as to how the proposed research will enhance the survival and well-being of the species involved;
- B) a description, including photographs, of the facilities intended for use in holding the endangered or threatened species; and
- C) a statement of the qualifications of the applicant to conduct the proposed research, including educational history, experience in

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similar research, and a list of pertinent publications and professional activities.

- 2) Scientific purposes include, but may not be limited to:

- A) study of biology, physiology, or behavior of the affected species; and
 - B) banding or otherwise marking these species including eggs, seeds, dens, nests, or progeny.
- 3) A permit for scientific purposes will be approved if the research proposal meets the following criteria:

- A) the applicant's credentials indicate training and experience which will assure that the applicant has the ability to conduct the proposed research.
- B) the proposed research cannot be conducted using a non-listed species;
- C) the proposed research can be expected to yield results which will enhance the survival and welfare of wild populations of the species involved; and
- D) the facilities to be used to house endangered or threatened species are shown to meet the standards defined in Sections 1070.60 or 1070.70 of this Part.

- b) Educational Purpose - Persons wishing to utilize specimens or products of endangered or threatened animals or federal endangered plants in an educational program must apply for a permit for educational purposes. Permits for educational purposes will be issued only to institutions (e.g. schools, museums, zoos) or to individuals employed and/or sponsored by such an institution.

- 1) In addition to completing a permit application form provided by the Department, the applicant for an educational permit must submit:

- A) an outline of the educational program to be

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presented. Every educational program shall include information on the endangered or threatened status of the specimens being displayed and an explanation of the legal acquisition of the specimens;

or threatened species are shown to meet the standards defined in Section 1070.60 or 1070.70 of this Part.

B) a list of all similar programs conducted by the applicant during the two years preceding the application for an educational permit, including estimates of the number of persons attending each presentation;

c) Zoological/Botanical Purpose - Persons wishing to display specimens or products of endangered or threatened animals or federal endangered plants in a zoological/botanical program (e.g. zoological parks, aquaria, arboreta) must apply for a permit for zoological/botanical purposes. If specimens to be held under a permit for zoological/botanical purposes are to be available for public viewing, the public display shall include a notice which describes the endangered or threatened status of the species and explains the means of legal acquisition of the specimens. Such notice shall be posted prominently in a location easily visible to all visitors.

C) a statement as to how the possession of the specimens or products of endangered or threatened animals or federal endangered plants by the applicant will enhance the welfare of the species involved;

D) a description, including photographs, of the facilities intended for use in holding the endangered or threatened species; and

E) a verified statement that any specimens to be used in the educational program will be obtained legally.

2) A permit for educational purposes will be issued if the proposed educational program meets the following criteria:

A) the credentials of the applicant indicate training and experience which will assure that the applicant has the ability to conduct the proposed program;

B) the program promotes the survival of the endangered or threatened species and its natural habitat;

C) the program promotes understanding of the ecological needs of natural populations of the species;

D) the program promotes understanding of the role of the endangered or threatened species in its natural environment; and

E) the facilities to be used to house endangered

1) In addition to completing a permit application form provided by the Department, the applicant for a zoological/botanical permit must submit:

A) a photostatic copy of an Exhibitor Permit issued by the U.S. Department of Agriculture;

B) an outline of all proposed programs that would utilize specimens or products of endangered or threatened species;

C) a statement of the training and experience of those persons to be responsible for the care of the endangered or threatened species;

D) a statement as to how the possession of the specimens or products of endangered or threatened animals or federal endangered plants by the applicant will enhance the welfare of the species involved;

E) a description, including photographs, of the facilities intended for use in holding the endangered or threatened species; and

F) a verified statement that any specimens to be used in a zoological/botanical program will be legally obtained.

2) A permit for zoological/botanical purposes will be issued if the proposed zoological/botanical program

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meets the following criteria:

- A) the credentials of the applicant indicate training and experience which will assure that the applicant has the ability to conduct the proposed program;
- B) the program promotes the survival of the endangered or threatened species and its natural habitat;
- C) the program promotes understanding of the ecological needs of natural populations of the species;
- D) the program promotes understanding of the role of the endangered or threatened species in its natural environment; and
- E) the facilities to be used to house endangered or threatened species are shown to meet the standards defined in Section 1070.60 or 1070.70 of this Part.

d)

Permit for Propagation of Endangered or Threatened Species - Persons wishing to propagate or attempt to propagate any endangered or threatened species of animal or federal endangered plant must apply for a permit for such purposes. Propagation permits may be issued as an addendum to permits for scientific or zoological/botanical purposes. A permit for educational purposes shall not include permission to propagate or attempt to propagate endangered or threatened species. A permit issued pursuant to 17 Ill. Adm. Code 1590 (Falconry and the Captive Propagation of Raptors) for the propagation of raptors shall be deemed to meet the requirement of this Part.

- 1) In addition to the materials submitted as application for a scientific or zoological/botanical permit, the applicant for a propagation permit must submit:

- A) a statement as to how the propagation of endangered or threatened animals or federal endangered plants by the applicant will enhance the welfare of the species;

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- B) a statement describing the disposition of any successfully propagated individuals. Release of such individuals into natural populations or attempts to reintroduce a species into an area where it is known or believed to have formerly occurred will be allowed only with the express written consent of the Director, pursuant to Sections 2.2 and 2.3 of the Wildlife Code (Ill. Rev. Stat. 19871989, ch. 61, pars. 2.2 and 2.3); and
 - C) a statement as to how the propagation of the endangered or threatened species is necessary for the success of the scientific or zoological/botanical project.
- 2) A permit for the propagation or attempted propagation of endangered or threatened animals or federal endangered plants will be issued if the proposed propagation project meets the following criteria:
 - A) propagation of the species will enhance the survival and welfare of the species through supplementation of natural populations or by adding significantly to the knowledge of the species in its natural environment; and
 - B) propagation is essential to the completion of the objectives stated in the application for a general—permit for scientific or zoological/botanical purposes.
 - e) The holder of a permit may allow temporary possession of animal products covered by that permit by a licensed taxidermist for the purpose of providing taxidermic services (e.g. mounting, cleaning, tanning). A copy of the permit or a signed statement by the permit holder attesting to the existence of such a permit must accompany the products while in the possession of the taxidermist. Taxidermic services shall be provided only by persons licensed as taxidermists by the Department pursuant to Section 5.15 of the Fish Code (Ill. Rev. Stat. 19871989, ch. 56, par. 5.15) and Section 3.21 of the Wildlife Code (Ill. Rev. Stat. 19871989, ch. 61, par. 3.21) or by appropriate authorities of another state.
 - f) The holder of a permit may dispose of specimens or

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products covered by that permit through transfer or scrapping only after a permit for disposal has been applied for and received from the Department. The application for a transfer permit shall include the name and address of the intended recipient of the specimens or product. Transfer will be allowed only after the intended recipient has applied for and received the necessary permit for possession.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1070.60 Facilities and Animal Welfare Standards (Animal)

a) A copy of applicable facilities and animal welfare standards (See subsection (c)) will be supplied with each application form, and the applicant's signature on the application form shall be acknowledgement of the receipt of the standards and an agreement to comply with the standards.

b) Each applicant or permit holder must demonstrate that his premises and any facilities or equipment used in his operation comply with the standards set forth in this Section. If necessary to assure adequacy of facilities upon application or upon receipt of complaint, the ~~Geodimeter~~ Program Manager or the Director shall request the applicant or permit holder to make his premises, facilities, and equipment available at a time or times mutually agreeable to said applicant or permit holder and the Department's representative for the purpose of ascertaining compliance with said standards. If the applicant's or permit holder's premises, facilities, or equipment do not meet the requirements of the standards, the applicant or permit holder will be advised of existing deficiencies and the corrective measures that must be taken and completed to bring such premises, facilities, and equipment into compliance with the standards. Permit holders will be given a deadline by which prescribed corrective measures must be completed.

c) Construction and maintenance of facilities and animal welfare practices must meet the standards defined in the Federal Animal Welfare Act (9 CFR 3.125 through 3.135, July 22, 1979, no further additions or

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amendments are included).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1070.70 Facilities Standards (Plant)

a) A copy of applicable facilities standards will be supplied with each application form, and the applicant's signature on the application form shall be an acknowledgement of the receipt of the standards and an agreement to comply with the standards.

b) Each applicant or permit holder must demonstrate that his premises and any facilities or equipment used in his operation comply with the standards set forth in this Section. Upon request by the ~~Geodimeter~~ or the Director, the applicant or permit holder must if necessary to assure adequacy of facilities upon application or upon receipt of complaint, the Program Manager or the Director shall request the applicant or permit holder to make his premises, facilities, and equipment available at a time or times mutually agreeable to said applicant or permit holder and the ~~Beards~~ Department's representative for the purpose of ascertaining compliance with said standards. If the applicant's or permit holder's premises, facilities, or equipment do not meet the requirements of the standards, the applicant or permit holder will be advised of existing deficiencies and the corrective measures that must be taken and completed to bring such premises, facilities, and equipment into compliance with the standards. Permit holders will be given a deadline by which prescribed corrective measures must be completed.

c) The facility must be constructed of such materials and must be of such strength and of such dimensions as appropriate for the intended purposes. Facilities shall be structurally sound and maintained in good repair to protect the plants from damage by unauthorized persons or other causes.

d) Electric power, if required to comply with other provisions of this Section, shall be available on the premises.

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- e) Temperature in indoor facilities shall be regulated by heating or cooling to assure simulation of conditions in the plant's natural environment.
- f) Indoor facilities shall have lighting, by natural or artificial means or both, of quality, intensity, color, temperature, distribution, and duration as appropriate for the species involved.
- g) Outdoor facilities shall be sited and constructed to simulate the natural environment of the plant with regard to soil type, moisture, temperature, lighting and all other factors necessary for survival and growth.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3) Section Numbers:

226.40	<u>Proposed Action:</u>
226.520	Repeal
226.525	Amendment
226.552	Amendment
226.555	Amendment
226.560	Amendment
226.562	Amendment
226.605	Amendment
226.612	Repeal
226.615	Amendment
226.620	Repeal
226.680	Amendment
226.684	Amendment
226.720	Amendment
226.730	Amendment

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 122, par. 14-1.01 et seq.

5) A Complete Description of the Subjects and Issues Involved:
 The Office of Special Education Programs has confirmed that it will require the State Board to make changes in seven different aspects of the rules for Special Education. These are described below, with the affected sections indicated in parentheses.

Denial of Due Process: The rules currently allow for factors other than nonresidency as a basis for denying a hearing request, which is contrary to federal regulation. The amendments will limit denials to those based on nonresidency. (Sections 226.612, 226.615, and 226.620)

Timeline for Appeal of a Level I Hearing Order: The current rule allows 15 days for an appeal; a change to a 30-day time limit is being required. (Section 226.680)

Emergency Placement: The rules currently allow for suspensions and expulsions of special education students for periods of time which exceed that allowed in the Supreme Court's ruling in Honig v. Doe. (Sections 226.40, 226.562, 226.605, and 226.684)

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Consent for Reevaluation: Illinois districts are currently required to secure written parental consent for reevaluation of students and may request a hearing if such consent is withheld. The amendments will require written consent only for an initial evaluation, with advance notification to parents of the district's intent to reevaluate a student. (Sections 226.520 and 226.525)

Exceptional Characteristics - Educational Handicap, Behavior Disorder: Identification of children as "educationally handicapped" will not be permitted after September 1, 1991, and all students previously eligible for special education in this category will be reevaluated to determine their continued eligibility by virtue of some other characteristic or combination of characteristics. The definition of "behavior disorder" is being amended to reflect the federal definition more closely. (Section 226.552)

Placement After Development of Individualized Education Program (IEP): The rules currently require a placement decision to be made at the multidisciplinary conference, instead of at the end of the IEP meeting when all other educational decisions have been made. The amendment will require that placement be determined only after the IEP has been written. (Sections 226.555 and 226.560)

Surrogate Parent: The current rules allow for the appointment of more than one person as surrogate parent. The amended version will require that one person be appointed, and will include other changes needed to update the language in the rules. (Sections 226.720 and 226.730)

- 6) Will this proposed rule replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference?

The rules do not contain an incorporation by reference under Section 6.02(b) of the Illinois Administrative Procedure Act.

- 9) Are there any other proposed amendments pending on this Part? No

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of Statewide Policy Objectives: These rules will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Vaughn Morrison
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-6601

- 12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

The text of the proposed amendments is identical to the text of the emergency amendments which appear in this edition of the Illinois Register at page 11367.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pre-Existing Illness
- 2) Code Citation: 50 Ill. Adm. Code 2005
- 3) Section Numbers: 2005.30 Proposed Action: Amended
- 4) Statutory Authority: Implementing Sections 143, 154 and 359a of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, pars. 755, 766 and 971) and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 1013).
- 5) A Complete Description of the Subjects and Issues Involved: This rule is being amended so that it is consistent with Rule 2007 which permits insurers to characterize a condition as pre-existing if there was treatment or diagnosis of the condition prior to the effective date of coverage.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: n/a
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Kirk Petersen, Assistant Chief Counsel
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767

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- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this proposed rulemaking will not affect small businesses as that term is defined by Ill. Rev. Stat. 1989, ch. 127, par. 1003.10.

The full text of the Proposed Rule(s) begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER 1: DEPARTMENT OF INSURANCE
SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

PART 2005
PRE-EXISTING ILLNESS

Section
2005.10
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2005.30
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2005.50
2005.60

Authority
Applicability
The Minimum Definition of Pre-existing Illness or
Pre-existing Condition
Application of the Definition
Policy Form Requirements
Effective Date

AUTHORITY: Implementing Sections 143, 154 and 359a of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, pars. 755, 766 and 971a) and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 1013)

SOURCE: Filed October 16, 1974, effective October 30, 1974; codified at 7 Ill. Reg. 3009; amended at _____ Ill. Reg. effective _____.

Section 2005.30 The Minimum Definition of Pre-existing Illness or Pre-existing Condition

a) A "pre-existing illness" or "pre-existing condition" as constructed by the definition of sickness and the provisions for Time Limit on Certain Defenses in an accident and health insurance policy issued after the effective date of this Part shall mean any disease, illness, sickness, malady or condition which was:

- 1) diagnosed or treated by a legally qualified physician prior to the effective date of coverage for the insured with consultation, advice or treatment by a legally qualified physician occurring within 24 months prior to the effective date of coverage for the insured; or
- 2) diagnosed or treated by a legally qualified physician prior to the effective date of coverage for the insured; but a legally qualified physician

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demonstrates that there is a reasonable medical question that the disease, illness, sickness, malady or condition involved did continue within 24 months prior to the effective date of coverage for the insured without the necessity of consultation, advice or treatment by a legally qualified physician; or

3) evident because there was a clear, distinct symptom or symptoms of the disease, illness, sickness, malady or condition demonstrable prior to the effective date of coverage for the insured with the occurrence of such symptoms being evident within 12 months prior to the effective date of coverage for the insured and in which, in the opinion of a legally qualified physician, would;

A) indicate that the diseases, illness, sickness, malady or condition probably began and manifested itself before the effective date of the coverage for the insured, and

B) would cause an ordinarily prudent person to seek diagnosis, care or treatment.

b) The above definition is the minimum required. Any definition more favorable to the insured may be used. The time limitations in Section 2005.30 do not apply to the company's underwriting standards such as the investigation of an applicant's health history.

(Source: Amended at _____ Ill. Reg. _____ effective _____)

DEPARTMENT OF INSURANCE

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NOTICE OF PROPOSED AMENDMENTS

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1) Heading of the Part: Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits and Premiums to conform to Medicare Program Revisions.

2) Code Citation: 50 Ill. Adm. Code 2011

3) Section Numbers: Proposed Action:

2011.10	Amendment
2011.20	Amendment
2011.40	Amendment
2011.45	New Section
2011.50	Amendment
2011.APPENDIX A	Amendment
2011.APPENDIX B	Repeal
2011.APPENDIX C	Repeal

4) Statutory Authority: Implementing and authorized by Sections 363 and 363a of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, pars. 975 and 975a).

5) A Complete Description of the Subjects and Issues Involved:
The amendments to this Part are required due to the repeal of the federal Medicare Comprehensive Care Act. The amendments put insurers and insured on notice as to their various duties and rights regarding Medicare Supplement Insurance benefits pursuant to State law now that the federal law has been repealed.

6) Will this proposed rule replace emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons interested in commenting on this proposed amendment may do so in writing

within 45 days of publication of the proposed amendment in the Illinois Register. Please direct written comments to:

Timothy M. Cena
Department of Insurance
100 West Randolph, Suite 15-100
Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis: The Department has determined that this proposed rulemaking will not affect small businesses as that term is defined by Ill. Rev. Stat. 1989, ch. 127, par. 1003.10.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCEPART 2011
TRANSITIONAL REQUIREMENTS FOR THE CONVERSION
OF MEDICARE SUPPLEMENT INSURANCE BENEFITS AND
PREMIUMS TO CONFORM TO MEDICARE PROGRAM REVISIONS

Section	Purpose
2011.10	Applicability and Scope
2011.20	Definitions
2011.30	Benefit Conversion Requirements
2011.40	Offer of Reinstatement of Coverage
2011.45	Requirements for New Policies and Certificates
2011.50	Filing Requirements for Advertising
2011.60	Buyer's Guide
2011.70	Buyer's Guide
2011.A	Appendix A Notice of Medicare Changes - 1989
2011.B	Appendix B Notice of Medicare Changes - 1990 (Repealed)
2011.C	Appendix C Notice of Medicare Changes - 1991 (Repealed)

AUTHORITY: Implementing and authorized by Sections 363 and 363a of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, pars. 975 and 975a); amended at _____ Ill. Reg. _____, effective _____.

SOURCE: Adopted at 13 Ill. Reg. 3804, effective March 13, 1989; amended at _____ Ill. Reg. _____, effective _____.

Section 2011.10 Purpose

The purpose of this Part is to assure the orderly implementation and conversion of Medicare supplement insurance benefits and premiums due to changes in the federal Medicare program; to provide for the reasonable standardization of the coverage, terms and benefits of Medicare supplement policies or contracts; to facilitate public understanding of such policies or contracts; to eliminate provisions contained in such policies or contracts which may be misleading or confusing in connection with the purchase of such policies or contracts; to eliminate policy or contract provisions which may duplicate Medicare benefits; to provide for adjustment of required minimum benefits for Medicare supplement policies; to provide notice to former policyholders to offer to reinstitute coverage; to provide full disclosure of policy or contract benefits and

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benefit changes; and to provide for refunds of premiums associated with benefits duplicating Medicare program benefits.

(Source: Amended at _____ Ill. Reg. _____, effective _____.)

Section 2011.20 Applicability and Scope

This Part shall take precedence over other rules and requirements relating to Medicare supplement policies (50 Ill. Adm. Code 2008) only to the extent necessary to assure that benefits are not duplicated and to adjust minimum required benefits to changes in Medicare benefits, that applicants receive adequate notice and disclosure of changes in Medicare supplement policies and contracts, that appropriate premium adjustments are made in a timely manner, and that premiums are reasonable in relation to benefits. Except as otherwise provided, this Part shall apply to:

- All Medicare supplement policies delivered, or issued for delivery, or which are otherwise subject to the jurisdiction of this state on or after the effective date hereof, and
- All certificates issued under group Medicare supplement policies as provided in subsection (a) above.

(Source: Amended at _____ Ill. Reg. _____, effective _____.)

Section 2011.40 Benefit Conversion Requirements

- Effective January 1, 1989 1990, no Medicare supplement insurance policy or certificate in force in this state shall contain benefits which duplicate benefits provided by Medicare.
- Benefits eliminated by operation of the Medicare Catastrophic Coverage Act of 1988 transition provisions shall be restored.
- For Medicare supplement policies subject to the minimum standards adopted by the states pursuant to Medicare Catastrophic Coverage Act of 1988, the minimum benefits shall be:

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- 1) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;
- 2) Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount.
- 3) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during the use of Medicare's lifetime hospital inpatient reserve days;
- 4) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of ninety percent of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;
- 5) Coverage under Medicare Part A for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under Part B.
- 6) Coverage for the coinsurance amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible [\$75].
- 7) Upon the effective date of this Part, coverage under Medicare Part B for the reasonable cost of the first three (3) pints of blood or equivalent quantities of packed red blood cells, unless replaced in accordance with federal regulations or already paid for under Part A, subject to the Medicare deductible amount.

b) General Requirements

1) Notification

- A) No later than thirty (30) days prior to the annual effective date of Medicare benefit

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- changes mandated by the Medicare Catastrophic Coverage Act of 1988, every insurer providing Medicare supplement insurance or benefits to a resident of this state shall notify its policyholders and certificateholders of modifications it has made to Medicare supplement insurance policies prescribed in Appendices A, B and C as appropriate for the year such changes become effective. No later than January 31, 1990, every insurer providing Medicare supplement insurance or benefits to a resident of this State shall notify its policyholders, contract holders and certificateholders of modifications it has made to Medicare supplement insurance policies or contracts. Such notice shall be in the format shown in 2011 Appendix A.
- B) Such notice shall include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement insurance policy.
 - C) The notice shall inform each covered person as to when any premium adjustment due to changes in Medicare benefits will be made.
 - D) Such notice shall not contain or be accompanied by any solicitation.
 - 2) No modifications to an existing Medicare supplement contract or policy shall be made at the time of or in connection with the notice requirements of this regulation except to the extent necessary to eliminate duplication of Medicare benefits and any modifications necessary under the policy to provide for automatic changes in the annual Part A Medicare deductible amounts.
 - 3) As soon as practicable, but no longer than forty-five (45) days after the effective date of the Medicare benefit changes and prior to use, every insurer providing Medicare supplement insurance or contracts in this State shall file with the Department, in accordance with the applicable filing procedures of this State:

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- A) Appropriate premium adjustments necessary to produce loss ratios as originally anticipated for the applicable policies or contracts. Such supporting documents as necessary to justify the adjustment shall accompany the filing. Such supporting documents shall include incurred claims and earned premium data as set out in Section 363a of the Illinois Insurance Code (Ill. Rev. Stat. 19879, ch. 73, par. 975a) and 50 Ill. Adm. Code 2008.80, and any other information deemed relevant by the insurer.

Agency Note: This subsection is not intended to require a return of premium in cases in which a higher loss ratio is actually achieved than was originally anticipated. It is only intended that premium adjustments shall be made based on an anticipated loss ratio which falls below that which was originally filed. Adjustments should be sufficient to generate an anticipated loss ratio as originally filed.

- B) Any riders, endorsements or policy forms needed to accomplish the Medicare supplement insurance modifications necessary to eliminate benefit duplications with Medicare and to provide the benefits required by 2008.40. Any such riders, endorsements or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or contract.

- 4) Upon satisfying the filing and approval requirements of this state, every insurer providing Medicare supplement insurance in this State, shall provide each covered person with any rider, endorsement or policy form necessary to eliminate any benefit duplications under the policy with benefits provided by Medicare make the adjustments outlined in Section 2011.40 above.

- 5) No insurer shall require any person covered under a Medicare supplement policy which was in force prior to January 1, 1989, to purchase additional coverage under such policy unless such additional coverage was provided for in the policy.

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- 5) Any premium adjustments shall produce an expected loss ratio under such policy or contract as will conform with minimum loss ratio standards for Medicare supplement policies and shall result in an expected loss ratio at least as great as that originally anticipated by the insurer for such Medicare supplement insurance policies or contracts. Premium adjustments may be calculated for the period commencing with Medicare benefit changes.

- 6) Every insurer shall make such premium adjustments as are necessary to produce an expected loss ratio under such policy as will conform with minimum loss ratio standards for Medicare supplement policies and which is expected to result in a loss ratio at least as great as that originally anticipated by the insurer for such Medicare supplement insurance policies. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described herein shall be made with respect to a policy at any time other than upon its renewal date. Premium adjustments shall be in the form of refunds or premium credits and shall be made no later than upon renewal if a credit is given, or within sixty (60) days of the renewal date if a refund is provided to the premium payer.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 2011.45 Offer of Reinstitution of Coverage

- a) Except as provided in subsection (b) below, in the case of an individual who had in effect, as of December 31, 1988, a Medicare supplemental policy with an insurer, as a policyholder or, in the case of a group policy, as a certificate holder, and the individual terminated coverage under such policy before the date of the enactment of the repeal of the Medicare Catastrophic Coverage Act of 1988, the insurer shall:

- 1) Provide written notice no earlier than December 15, 1989, and no later than February 1, 1990, to the policyholder or certificate holder (at the most

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recent available address) of the offer described below, and

- 2) Offer the individual, during a period of at least 60 days beginning not later than 30 days from the effective date of this Part, reinstatement of coverage (with coverage effective as of the effective date of this Part), under the terms which:

- A) Does not provide for any waiting period with respect to treatment of pre-existing conditions;
 - B) Provides for coverage which is substantially equivalent to coverage in effect before the date of such termination; and
 - C) Provides for classification of premiums on which terms are at least as favorable to the policyholder or certificate holder as the premium classification terms that would have applied to the policyholder or certificate holder had the coverage never terminated.
- b) An insurer is not required to make the offer under subparagraph (2) above in the case of an individual who is a policyholder or certificate holder in another Medicare supplemental policy as of the effective date of this Part, if the individual is not subject to a waiting period with respect to treatment of a pre-existing condition under such other policy.

(Source: Added at _____ Ill. Reg. _____, effective _____)

Section 2011.50 Requirements for New Policies and Certificates

- a) Effective January 1, 1989 1990, no Medicare supplement insurance policy or certificate shall be issued or issued for delivery in this state which provides benefits which duplicate benefits provided by Medicare. No such policy or certificate shall provide less benefits than those required under existing Medicare Supplement Minimum Standards contained in Section 363 of the Code and 50 Ill. Adm. Code 2008 except where duplication of Medicare benefits would result and except as required by these transition provisions.

b) General Requirements

- 1) Within ninety (90) days of the effective date of this Part, every insurer shall file new Medicare supplement insurance policies which eliminate any duplication of Medicare supplement benefits with benefits provided by Medicare, which adjust minimum required benefits to changes in Medicare benefits and which provide a clear description of the policy or contract benefit.
- 2) The filing required under subsection (1) above shall provide for loss ratios which are in compliance with all minimum standards.
- 3) Every applicant for a Medicare supplement insurance policy or certificate shall be provided with an outline of coverage which simplifies and accurately describes benefits provided by Medicare and policy benefits along with benefit limitations as set out in 50 Ill. Adm. Code 2008. Appendix B.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

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Section 2011. Appendix A. Notice of Medicare Changes—1989

(Company Name)

NOTICE ON CHANGES IN MEDICARE AND YOUR MEDICARE SUPPLEMENT INSURANCE—1989

Your health care benefits provided by the Federal Medicare program will change beginning January 1, 1989. Additional changes will occur on medical benefits in following years. The major changes are summarized below. These changes will affect hospital, medical and other services and supplies provided under Medicare. Because of these changes your Medicare supplement coverage provided by (company name) will change; also, the following outline briefly describes the modifications in Medicare and in your Medicare supplement coverage. Please read carefully.

(A brief description of the revisions to Medicare Parts A & B with a parallel description of supplemental benefits with subsequent changes, including dollar amounts, provided by the Medicare supplement coverage is substantially the following format.)

Services	Medicare Benefits—		Your Medicare Supplement Coverage—	
	Medicare Now Pays Per Benefit Period	Effective January 1, 1989 Medicare Will Pay Per Calendar Year	Your 1989 Coverage Per Benefit Period	Effective January 1, 1989 Your Coverage Will Pay Per Calendar Year
Medicare— Part A Services and Supplies	First 60 days— All but \$540— 61 to 90th day— All but \$135 a day— 91 to 150th day— All but \$270 a day— (If insured chooses to use 60 nonrenewable lifetime reserve days) Beyond 150th day— Nothing	Unlimited number of hospital days other \$564 deductible—		
Skilled Nursing Facility Care	Requires 3 day prior stay-out-of-the facility generally within 30 days after hospital discharge— First 20 days— 100% coverage— 21 to 100th day— All but \$67.60 a day— Beyond 100 days— Nothing	There is no prior admission require- ment for this benefit First 20 days— All but \$48.60 a day— 91 through 150th day— 100% of costs— Beyond 150 days— Nothing		

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Medicare Now Pays— Per Calendar Year	Medicare Part B Services and Supplies	In 1989 Medicare Part B— Pays the Same as in 1988—		Your Policy Now Pays—		Effective January 1, 1989— Your Policy Will Pay
		90% of allowable charges (other 10% deductible)	Note: Medicare Benefits changes in January 1989 as follows— 80% co-insurance charge (other 20% deductible) will not affect Medicare Catastrophic coverage—100% of allowable charges for the remainder of the calendar year. The limit in 1988 of \$1,300 and will be adjusted on an annual basis—	In 1989 Medicare covers inpatient prescription drugs— only	Effective January 1, 1989 Per Calendar Year— 80% of allowable charges for home intravenous (IV) therapy drugs and 60% of allowable charges for non-intravenous drugs other (as of 1988) calendar year deductible— none	Effective January 1, 1989 Per Calendar Year— Legislative prescription drug 50% of allowable charges for all other outpatient prescription drugs other than \$600 calendar year deductible is not the deductible with charge Coverage will increase to 60% of allowable charges in 1992 and to 80% of allowable charges from 1993 on

*Supplies that would exceed the Part B Medicare Catastrophic limit include the Part B deductible and copayment charges and the Part B blood deductible charges.

YOUR ADDITIONAL BENEFITS—

Describe any coverage provisions changing due to Medicare modifications—

Include information about premium adjustments that may be necessary to cover changes in Medicare benefits or other circumstances and amounts with the same.

THIS CHART SUMMARIZING THE CHANGES IN YOUR MEDICARE BENEFITS AND IN YOUR MEDICARE SUPPLEMENT PROVIDED BY (COMPANY) ONLY BRIEFLY DESCRIBES SUCH BENEFITS FOR INFORMATION ON YOUR MEDICARE BENEFITS CONTACT YOUR SOCIAL SECURITY OFFICE OR THE HEALTH CARE FINANCING ADMINISTRATION FOR INFORMATION ON YOUR MEDICARE SUPPLEMENT (POLICY CONTACT (COMPANY) AND FOR AN INDIVIDUAL POLICY NAME OF AGENT) (ADDRESS—PHONE NUMBER)

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(Company Name)

NOTICE OF CHANGES IN MEDICARE AND YOUR MEDICARE SUPPLEMENT COVERAGE—1990

The following outline briefly describes the modifications in Medicare and in your Medicare supplement coverage. Please read this carefully.

(A brief description of the revisions to Medicare Parts A & B with a parallel description of supplemental benefits with subsequent changes, including dollar amounts, provided by the Medicare supplement coverage in substantially the following format.)

Services	Medicare Benefits	Your Medicare Supplement Coverage
	In 1989 Medicare Pays Per Calendar Year	Effective January 1, 1990 Medicare Will Pay Your Coverage Pays Effective January 1, 1990 Your Coverage Will Pay
MEDICARE PART A SERVICES AND SUPPLIES		
Inpatient Hospital Services	Unlimited number of hospital days after \$560 deductible	All but \$592 for first 60 days; benefit period
Semi-Private Room & Board		All but \$148 a day for 61st-90th days; benefit period
Nursing Facility Care		All but \$296 a day for 91st-150th days (if individual chooses to use 60 nonrenewable lifetime reserve days)
Skilled Nursing Facility Care		Pays all costs except nonreplacement fees (blood deductible for first 3 pints in each benefit period)
Blood		100% of costs for first 20 days after a 3 day prior hospital confinement/benefit period
		All but \$24.00 a day for 21st-100th days; benefit period

Services	Medicare Benefits	Your Medicare Supplement Coverage
	In 1989 Medicare Pays Per Calendar Year	Effective January 1, 1990 Medicare Will Pay Your Coverage Pays Effective January 1, 1990 Your Coverage Will Pay
MEDICARE PART B SERVICES AND SUPPLIES		
Prescription Drugs	Inpatient prescription drugs: 80% of allowable charges (after \$75 deductible) calendar year Outpatient prescription drugs: 80% of allowable charges for immunosuppressive drugs during the first year following a covered transplant (after \$75 deductible/calendar year)	80% of allowable charges (after \$75 deductible/calendar year) 80% of costs except nonreplacement fees (blood deductible for first 3 pints in each benefit period after \$75 deductible/calendar year)
Blood	80% of all costs except nonreplacement fees (blood deductible for first 3 pints in each benefit period after \$75 deductible/calendar year)	80% of all costs except nonreplacement fees (blood deductible for first 3 pints in each benefit period after \$75 deductible/calendar year)

(Any other policy benefits not mentioned in this chart should be added to the chart in the order prescribed by the outline of coverage. If there are corresponding Medicare benefits, they should be shown.)

(Describe any coverage provisions changing due to Medicare modifications.)

(Include information about when premium adjustments that may be necessary due to changes in Medicare benefits will be effective.)

THIS CHART SUMMARIZING THE CHANGES IN YOUR MEDICARE BENEFITS AND IN YOUR MEDICARE SUPPLEMENT BENEFITS CONTACT YOUR SOCIAL SECURITY OFFICE OR THE HEALTH CARE FINANCING ADMINISTRATION FOR INFORMATION ON YOUR MEDICARE SUPPLEMENT (POLICY) CONTACT: COMPANY AND FOR AN INDIVIDUAL POLICY—NAME OF AGENT (ADDRESS/PHONE NUMBER)

(Source: Section repealed, new Section added at _____ Ill. Reg. _____ effective _____)

DEPARTMENT OF INSURANCE

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NOTICE OF PROPOSED AMENDMENTS

Section 2011, Appendix C. Notice of Medicare Changes—1991

(Company Name)

NOTICE ON CHANGES IN MEDICARE AND YOUR MEDICARE SUPPLEMENT COVERAGE—1991

Your health care benefits provided by the Federal Medicare program will change beginning January 1, 1991. Additional changes will occur in medical benefits in following years. The major changes are summarized below. These changes will affect hospital, medical and other services and supplies provided under Medicare. Because of these changes your Medicare supplement coverage provided by (company name) will change, also. The following outline briefly describes the modifications in Medicare and in your Medicare supplement coverage. Please read carefully.

A brief description of the revisions to Medicare Parts A & B with a parallel description of supplemental benefits with subsequent changes, including dollar amounts, provided by the Medicare supplement coverage in substantially the following format:

Services—	Medicare Benefits—		Your Medicare Supplement Coverage—	
	Medicare New Payments— Per Calendar Year	Effective January 1, 1991 Medicare Will Pay— Per Calendar Year	Your Coverage Now Pays Per Calendar Year— Year	Effective January 1, 1991— Your Coverage Will Pay— Per Calendar Year
Medicare Part A Hospital and Skilled-Nursing Facility Care	Unlimited number of hospital days after first 60-day deductible There is no prior confinement require- ment for this benefit First 8 days— All but 61—1-a day 91 thru 150—1-a day— 100% of costs Beyond 150 days— Nothing			
Medicare Part B Services and Supplies	80% of allowable charges (after 6.25 deductible) —unit on annual Medicare catastrophic limit to meet 100% of allowable charges for the remainder of the calendar year—the limit in 1991 is \$1,000 and will be adjusted once each year	80% of allowable charges (after 6.25 deductible) —unit on annual Medicare catastrophic limit to meet 100% of allowable charges for the remainder of the calendar year—the limit in 1991 is \$1,000 and will be adjusted once each year		
Prescription Drugs	Insistent prescription drugs— 80% of allowable charges for home IV therapy drugs and 60% of allowable charges for intramuscular injections— after a \$500 calendar year deductible is met	Same as 1990 and 50% of allowable charges for all other prescriptions— prescription drug allow- able—\$400 calendar year— deductible is met		

*Expenses that you must pay out of pocket and that count toward the Part B Medicare Catastrophic Limit include the Part B deductible and copayment charges and the Part B blood deductible charges.

(ANY ADDITIONAL BENEFITS)

(Describe any coverage provisions changing due to Medicare modifications.)

(Include information about premium adjustments that may be necessary due to changes in Medicare benefits or when premium changes information will be sent.)

THIS CHART SUMMARIZING THE CHANGES IN YOUR MEDICARE BENEFITS AND IN YOUR MEDICARE SUPPLEMENT PROVIDED BY (COMPANY), ONLY BRIEFLY DESCRIBES SUCH BENEFITS FOR INFORMATION ON YOUR MEDICARE BENEFITS. CONTACT YOUR SOCIAL SECURITY OFFICE OR THE HEALTH CARE FINANCING ADMINISTRATION FOR INFORMATION ON YOUR MEDICARE SUPPLEMENT POLICY CONTACT (COMPANY AND FOR INDIVIDUAL POLICY NAME OF AGENT), ADDRESS/PHONE NUMBER.

(Source: Repealed at _____ Ill. Reg. _____ effective _____)

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULE

1) The Heading of the Part: EFFLUENT STANDARDS

2) Code Citation: 35 Ill. Adm. Code 304

3) Section Number: Proposed Action:

304.218 New Section

4) Statutory Authority: Illinois Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111, pars. 1013 and 1027)

5) A Complete Description of the Subjects and Issues Involved:

This proposed rule is discussed in the Board's Opinion of June 7, 1990 in R84-44, which Opinion is available from the address below. This proposal seeks to grant the City of Pana site-specific relief from the phosphorus effluent limitations set forth at 35 Ill. Adm. Code 304.123. The relief proposed sets the City of Pana's wastewater treatment plant discharge effluent limitation at 2.8 mg/l of phosphorus as P. The current standard is 1.0 mg/l.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No

If "yes," please specify the date: _____

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

Section Numbers: Proposed Action: Ill. Reg. Citation:

304.211 New Section June 20, 1990;
14 Ill. Reg. 9700

10) Statement of Statewide Policy Objective (if applicable):
The statewide policy objectives are set forth in Section 11 of the Act.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R84-44 and be addressed to:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULE

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 West Randolph Street
Chicago, Illinois 60601

Persons who wish additional information regarding filing requirements should contact the Hearing Officer:

Mark P. Miller
104 West University Avenue
Urbana, Illinois 61801
(217) 333-5574

12) Initial Regulatory Flexibility Analysis (if applicable):

A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs:
June 27, 1990

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the proposed rule begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULE

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 304
EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section	
304.101	Preamble
304.102	Dilution
304.103	Background Concentrations
304.104	Averaging
304.105	Violation of Water Quality Standards
304.106	Offensive Discharges
304.120	Deoxygenating Wastes
304.121	Bacteria
304.122	Nitrogen (STORET number 00610)
304.123	Phosphorus (STORET number 00665)
304.124	Additional Contaminants
304.125	pH
304.126	Mercury
304.140	Delays in Upgrading (Repealed)
304.141	NPDES Effluent Standards
304.142	New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS
NOT OF GENERAL APPLICABILITY

Section	
304.201	Wastewater Treatment Plant Discharges of the Metropolitan Sanitary District of Greater Chicago
304.202	Chlor-alkali Mercury Discharges in St. Clair County
304.203	Copper Discharges by Olin Corporation
304.204	Schoenberger Creek: Groundwater Discharges
304.205	John Deere Foundry Discharges
304.206	Alton Water Company Treatment Plant Discharges
304.207	Galesburg Sanitary District Deoxygenating Wastes Discharges
304.208	City of Lockport Treatment Plant Discharges
304.209	Good River Station Total Suspended Solids Discharges
304.210	Alton Wastewater Treatment Plant Discharges
304.212	Sanitary District of Decatur Discharges
304.213	Union Oil Refinery Ammonia Discharge
304.214	Mobil Oil Refinery Ammonia Discharge
304.215	City of Tuscola Wastewater Treatment Facility Discharges
304.216	Newton Station Suspended Solids Discharges
304.218	City of Pana Phosphorus Discharge

POLLUTION CONTROL BOARD

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304.219 North Shore Sanitary District Phosphorus Discharges
304.220 East St. Louis Treatment Facility, Illinois-American Water Company

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section	
304.301	Exception for Ammonia Nitrogen Water Quality Violations
304.302	City of Joliet East Side Wastewater Treatment Plant

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2 pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective June 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989, amended in R88-1 at 13 Ill.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Sulfur Limitations

2) Code Citation: 35 Ill. Adm. Code 214

3) Section Number: Proposed Action:
214.101 Amend
214.104 Amend

4) Statutory Authority: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½ pars. 1010 and 1027).

5) A Complete Description of the Subjects and Issues Involved:

This proposed regulation involves amendments to 35 Ill. Adm. Code 214 Sulfur Limitations, Section 214.101, Measurement Methods. The Illinois Environmental Protection Agency ("Agency") proposed the amendments in response to objections raised by U.S. Environmental Protection Agency ("USEPA") to the Illinois State Implementation Plan ("SIP") for sulfur dioxide. Subsection (a) of the rulemaking affects the stack testing measurement techniques for sulfur dioxide emissions from stationary sources and the balance of the rule primarily governs measurement methods for solid fuels. Affected sources include public utilities, private businesses, and various other entities in Illinois.

The central issue concerning the proposed rule arose from the refusal of USEPA in 1985 to accept the sulfur dioxide emission limitations in the Illinois State Implementation Plan ("SIP"). USEPA required that Part 214.101, Measurement Methods, be revised to assure short-term compliance with the National Ambient Air Quality Standard ("NAAQS") for sulfur dioxide. USEPA maintained that stack testing should be included in measurement methods to determine short-term compliance. The two month averaging method of existing Section 214.101 was considered inadequate to establish short-term compliance, i.e., 3-hour and 24-hour compliance. Stack testing is USEPA's preferred method to evaluate short-term compliance.

The Agency estimated that 87 facilities would be affected by the rulemaking. DENR revised this number downward to 78, of which 52 facilities would be required to make some changes in their existing practices.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULE

Reg. 5976, effective April 18, 1989; amended in R86-17B at 13
Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13
Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14
Ill. Reg. 6777, effective April 24, 1990; amended in R87-36 at 14
Ill. Reg. 9437, effective June 15, 1990; amended in R86-14 at 14
Ill. Reg. 9700, effective June 20, 1990; amended in R84-44 at 14
Ill. Reg. _____, effective _____.

SUBPART B: SITE-SPECIFIC RULES AND
EXCEPTIONS NOT OF GENERAL APPLICABILITY

304.218 City of Pana Phosphorus Discharge

The General effluent standard for phosphorus as P contained in Section 304.123 shall not apply to discharges from the City of Pana wastewater treatment plant. Instead these discharges shall comply with an effluent limitation of 2.8 mg/l phosphorus as P as measured at the point of discharge.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The proposed amendments to Section 214.101 are intended to address USEPA's objections by providing that compliance shown by coal sample averaging techniques could not be used to refute evidence of non-compliance shown by stack testing, and vice versa. Specifically, the applicable proposed language states: "A determination of non-compliance based on any subsection of this Section shall not be refuted by evidence of compliance with any other subsection." Thus, stack testing, if required by the Agency, would be given controlling weight if stack testing revealed non-compliance. The Agency also proposes to add USEPA approved Methods 6A, 6B, and 6C, found at 40 CFR 60, Appendix A, to supplement the existing Method 6 stack testing procedure.

Section 214.101 would also be amended to specify the methods and frequency of regular analysis of coal samples, based on the facility's capacity to produce sulfur emissions. That capacity would be expressed in terms of total solid fuel-fired heat input capacity, measured in mega watts (MW) or millions of British thermal units per hour (MBtu/hr). Facilities were not previously categorized in this way, but now each would fall into one of four groups, with corresponding testing requirements.

An Economic Impact Study (EcIS), evaluating the effects of the proposed rule, was prepared by the Department of Energy and Natural Resources (DENR). A copy of the report is available from DENR.

6) Will this proposed rule replace an emergency rule currently in effect? NO.

7) Does this rulemaking contain an automatic repeal date? YES ☒ No ☐

If "yes," please specify the date:

8) Does this proposed amendment contain incorporations by reference? YES. These incorporations are pursuant to Section 6.02(a) of the Illinois Administrative Procedures Act.

9) Are there any other amendments pending on this Part? NO.
Section Numbers: Proposed Action: Ill. Reg. Citation:

10) Statement of Statewide Policy Objective (if applicable)?
The Board believes that local governments are not required

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

by the proposal to establish, expand or modify its activities so as to necessitate additional expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R87-31 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

12) Initial Regulatory Flexibility Analysis (if applicable):

A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs: June 22, 1990

B) Types of small businesses affected: The Board is providing notice to small businesses by publication in the Illinois Register and by submission of the proposed amendment to the Business Assistance Office of the Department of Commerce and Community Affairs (DCCA). Small businesses are encouraged to notify the Board of any impact that may result from the adoption of this proposed amendment. Affected facilities were also contacted concerning this proposed rule by DENR in preparation for the EcIS.

C) Reporting, bookkeeping or other procedures required for compliance:

The Agency estimated that 87 facilities would be affected by the rulemaking. DENR revised this number downward to 78, of which 52 facilities would be required to make some changes in their existing practices. Reporting, bookkeeping or other procedures may entail additional costs for affected facilities. However, the Board anticipates that any such additional efforts and expenditures would be modest, as described more fully in the EcIS prepared by the DENR.

D) Types of professional skills necessary for compliance: This regulation requires no change in the type of professional skills necessary for compliance.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE B: AIR POLLUTION
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
 FOR STATIONARY SOURCES

PART 214
 SULFUR LIMITATIONS

SUBPART A: GENERAL PROVISIONS

Section
 214.100
 214.101
 214.102
 214.103
 214.104

Scope and Organization
 Measurement Methods
 Abbreviations and Units
 Definitions
 Incorporations by Reference

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section
 214.120
 214.121
 214.122

Scope
 Large Sources
 Small Sources

SUBPART C: EXISTING SOLID FUEL COMBUSTION EMISSION SOURCES

Section
 214.140
 214.141
 214.142
 214.143

Scope
 Sources Located in Metropolitan Areas
 Small Sources Located Outside Metropolitan Areas
 Large Sources Located Outside Metropolitan Areas

SUBPART D: EXISTING LIQUID OR MIXED FUEL COMBUSTION EMISSION SOURCES

Section
 214.161
 214.162

Liquid Fuel Burned Exclusively
 Combination of Fuels

SUBPART E: AGGREGATION OF SOURCES OUTSIDE METROPOLITAN AREAS

POLLUTION CONTROL BOARD

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Section
 214.181
 214.182
 214.183
 214.184
 214.185
 214.186

Dispersion Enhancement Techniques
 Prohibition
 General Formula
 Special Formula
 Alternative Emission Rate
 New Operating Permits

SUBPART F: ALTERNATIVE STANDARDS FOR SOURCES INSIDE METROPOLITAN AREAS

Section
 214.201
 214.202

Alternative Standards for Sources in Metropolitan Areas
 Dispersion Enhancement Techniques

SUBPART K: PROCESS EMISSION SOURCES

Section
 214.300
 214.301
 214.302
 214.303
 214.304

Scope
 General Limitation
 Exception for Air Pollution Control Equipment
 Use of Sulfuric Acid
 Fuel Burning Process Emission Source

SUBPART O: PETROLEUM REFINING, PETROCHEMICAL AND CHEMICAL MANUFACTURING

Section
 214.380
 214.381
 214.382
 214.383
 214.384

Scope
 Sulfuric Acid Manufacturing
 Petroleum and Petrochemical Processes
 Chemical Manufacturing
 Sulfate and Sulfite Manufacturing

SUBPART P: STONE, CLAY, GLASS AND CONCRETE PRODUCTS

Section
 214.400
 214.401
 214.402

Scope
 Glass Melting and Heat Treating
 Lime Kilns

SUBPART Q: PRIMARY AND SECONDARY METAL MANUFACTURING

POLLUTION CONTROL BOARD

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Section

214.420 Scope
214.421 Combination of Fuels at Steel Mills in Metropolitan Areas
214.422 Secondary Lead Smelting in Metropolitan Areas
214.423 Slab Reheat Furnaces in St. Louis Area

SUBPART V: ELECTRIC POWER PLANTS

Section

214.521 Winnetka Power Plant

SUBPART X: UTILITIES

Section

214.560 Scope
214.561 E. D. Edwards Electric Generating Station
214.562 Coffeen Generating Station

Appendix A

Rule into Section Table

Appendix B

Section into Rule Table

Appendix C

Method used to Determine Average Actual Stack Height and Effective Height of Effluent Release

Appendix D

Past Compliance Dates

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1010 and 1027)

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 204: Sulfur Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R74-2, R75-5, 38 PCB 129, at 4 Ill. Reg. 28, p. 417, effective June 26, 1980; amended in R78-17, 40 PCB 291, at 5 Ill. Reg. 1892, effective February 17, 1981; amended in R77-15, 44 PCB 267, at 6 Ill. Reg. 2146, effective January 28, 1982; amended and renumbered in R80-22(A), at 7 Ill. Reg. 4219, effective March 28, 1983; codified 7 Ill. Reg. 13597; amended in R80-22(B), at 8 Ill. Reg. 6172, effective April 24, 1984; amended in R84-28, at 10 Ill. Reg. 9806, effective May 20, 1986; amended in R86-31, at 12 Ill. Reg. 17387, effective October 14, 1988; amended in R86-30, at 12 Ill. Reg. 20778, effective December 5, 1988; amended in R87-31 at Ill. Reg. _____, effective _____.

Section 214.101 Measurement Methods

A determination of non-compliance based on any subsection of this Section shall not be refuted by evidence of compliance with any other subsection.

- a) Sulfur Dioxide Measurement. Measurement of sulfur dioxide emissions from stationary sources shall be made according to the procedure published in an applicable method specified in 40 CFR 60, Appendix A, Method 6, 6A, 6B, or 6C (1982), incorporated by reference in Section 214.104(a), or by measurement procedures specified by the Illinois Environmental Protection Agency pursuant to the provisions of 35 Ill. Adm. Code 201 pursuant to 40 CFR 60.8(b), incorporated by reference in Section 214.104(b).

- b) Sulfuric Acid Mist and Sulfur Trioxide Measurement. Measurement of sulfuric acid mist and sulfur trioxide shall be according to the barium-thorin titration method as published specified in 40 CFR 60, Appendix A, Method 8 (1982), incorporated by reference in Section 214.104(a).

- c) Solid Fuel Averaging Measurement Daily Analysis Method. This subsection applies to sources at plants with total solid fuel-fired heat input capacity exceeding 439.5 MW (1500 million Btu/hr). If ~~few sulfur~~ solid daily fuel analysis is used to ~~comply~~ demonstrate compliance or non-compliance with Sections 214.121, 214.122, 214.141, 214.142(a), 214.162, 214.186 and 214.421, the ~~applicable solid fuel~~ solid sulfur dioxide standard hourly emission rate or emission rate expressed as kg/MW-hr (pounds per million Btu) shall be met by considered to be the result of ~~a~~ any consecutive two month average of daily samples ~~with~~ provided no more than 95 percent of the samples ~~being~~ values are ~~no~~ greater than 20 percent above the sample average. If samples from a source cannot meet this statistical criterion, each individual daily sample analysis for such source shall be compared to the standard to determine compliance. The specific ASTM procedures, incorporated by reference, in Section 214.104(c) shall be used for solid fuel sampling, sulfur, and heating value determinations.

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d) Weekly Analysis Method. This subsection applies to sources at plants with total solid fuel-fired heat input capacity exceeding 146.5 MW (500 million Btu/hr) but not exceeding 439.5 MW (1500 million Btu/hr). These plants shall demonstrate compliance or non-compliance with Sections 214.122, 214.141, 214.142(a), 214.162, 214.186 and 214.421 by either an analysis of calendar weekly composites of daily fuel samples or by compliance with Subsection (c) above, at the option of the plant. The specific ASTM procedures incorporated by reference in Section 214.104(c) shall be used for sulfur, and heating value determinations.

e) Monthly Analysis Method. This subsection applies to sources at plants with total fuel-fired heat input capacity exceeding 14.65 MW (50 million Btu/hr) but not exceeding 146.5 MW (500 million Btu/hr). These plants shall demonstrate compliance or non-compliance with Sections 214.122, 214.141, 214.142(a), 214.162, 214.186 and 214.421 by either an analysis of calendar monthly composites of daily fuel samples or by compliance with Subsection (c) above, at the option of the plant. A.S.T.M. procedures shall be used for sulfur and heating value determinations.

f) Small Source Alternative Method. This subsection applies to sources at plants with total solid fuel-fired heat input capacity not exceeding 14.65 MW (50 million Btu/hr). Compliance or non-compliance with Sections 214.122, 214.141, 214.142(a), 214.162, 214.186 and 214.421 shall be demonstrated by a calendar month average sulfur dioxide emission rate.

g) Exemptions. Subsections (c) through (f) shall not apply to sources controlling sulfur dioxide emissions by flue gas desulfurization equipment or by sorbent injection.

h) Hydrogen Sulfide Measurement. For purposes of determining compliance with Section 214.382(c), the concentration of hydrogen sulfide in petroleum refinery fuel gas shall be measured using the Tutwiler procedure specified in 40 CFR 60.648 (1986), incorporated by reference in Section 214.104(d)

(Source: Amended at _____ Ill. Reg. _____, effective _____)

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Section 214.104 Incorporations by Reference
The following materials are incorporated by reference. These amendments do not include any later amendments or editions.

a) 40 CFR 60, Appendix A (1982) (1989):

1) Method 6: method for measurement Determination of Sulfur dioxide Emissions From Stationary Sources;

2) Method 6A: Determination of Sulfur Dioxide, Moisture, and Carbon Dioxide Emissions From Fossil Fuel Combustion Sources;

3) Method 6B: Determination of Sulfur Dioxide and Carbon Dioxide Daily Average Emissions From Fossil Fuel Combustion Sources;

4) Method 6C: Determination of Sulfur Dioxide Emissions From Stationary Sources (Instrumental Analyzer Procedure); and

2)5) Method 8: barium-thorin titration method- Determination of Sulfuric Acid Mist and Sulfur Dioxide Emissions From Stationary Sources.

b) 40 CFR 60.8(b) (1989), Performance tests.

c) American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103:

1) For solid fuel sampling:

ASTM D-2234 (1976) (1986)

ASTM D-2622 (1976)

ASTM D-2013 (1986)

2) For sulfur determinations:

ASTM D-3177 (1976) (1984)

ASTM B-2013 (1982)

ASTM D-3180 (1984)

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ASTM D-4239 (1985)

3) For heating value determinations:

ASTM D-2015 (1976) (1985)

ASTM D-3286 (1976) (1985)

ed) Tutwiler Procedure for hydrogen sulfide, 40 CFR 60.648 (1986) (1989).

(Source: Amended at Ill. Reg. , effective)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: HOSPITAL SERVICES

2) Code Citation: 89 Ill. Adm. Code 148

3) Section Number: Proposed Action:

148.140 Amendment

4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This rule revision will allow hospitals located in cities of more than one million population and which provided 85,000 days of inpatient care in fiscal 1989 to bill for outpatient and clinic services on an encounter rate basis. There is no anticipated fiscal impact.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date?

Yes X No

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
148.120	Amendment	June 15, 1990 (14 Ill. Reg. 9331)
148.140	Amendment	April 13, 1990 (14 Ill. Reg. 5409)
148.360	Amendment	June 22, 1990 (14 Ill. Reg. 9827)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

DEPARTMENT OF PUBLIC AID

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- 11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Dan Leikvold, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 1, 1990
- B) Types of small businesses affected: Medical providers
- C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required.
- D) Types of professional skills necessary for compliance: No new skills required.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment which appears in this issue of the Register on page 11394.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Food Service Sanitation Code

2) Code Citation:

77 Ill. Adm. Code 750

3) Section Numbers:

750.540

Proposed Action:

Amendment

4) Statutory Authority:

AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof (Ill. Rev. Stat. 1989, ch. 56 1/2, pars. 67 et seq.)

"AN ACT providing for the enforcement of certain state and local food handling and health regulations." (Ill. Rev. Stat. 1989, ch. 56 1/2, pars. 331 et. seq.). As amended by P.A. 86-704, effective January 1, 1990.

The Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1989, ch. 56 1/2, pars. 501 et seq.) et seq.

5) A Complete Description of the Subjects and Issues Involved:

The Food Service Sanitation Manager Certification program and existing rules provide for the education, testing and certification of food service operators. The proposed amendments would remove an existing rule, effective January 1, 1991, which states that a food service establishment shall have a certified supervisor present at all times food is handled. The proposed amendment replaces the existing requirement with the original language requiring only one full-time certified supervisor for each establishment as it was adopted by the Department over a decade ago.

The anticipated economic effect of this rulemaking is unknown. Therefore, the Department would appreciate any comments on the anticipated economic effect. The Department anticipates adopting this rulemaking by January 1, 1991.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

DEPARTMENT OF PUBLIC HEALTH
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7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____
8) Does this Rulemaking Contain Any Incorporations By Reference?
Yes ☐ No ☒

If "yes," please specify type: 6.02(a) or 6.02(b) _____
9) Are there any other Proposed Amendments Pending on this Part?

Yes ☒ No ☐

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
750.540	Amendments	14 Ill. Reg. 5050
750.551	New Section	14 Ill. Reg. 5050
750.560	Amendments	14 Ill. Reg. 5050

10) Statement of Statewide Policy Objectives:

This rulemaking will not expand or contract a state mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

June 28, 1990

The full text of the Proposed Amendments begins on the next page:

- B) Type of Small Businesses Affected:
Food service operations and food service operators.
- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:
No alteration from existing procedures.
- D) Types of Professional Skills Necessary for Compliance:
None.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 750

F000 SERVICE SANITATION CODE

SUBPART A: GENERAL PROVISIONS

Section
750.5 Incorporated Materials
750.10 Definitions
750.20 Inspections and Inspection Report

SUBPART B: F000 SUPPLIES

Section
750.100 General
750.110 Special Requirements
750.120 General - Food Protection
750.130 General - Food Storage
750.140 Refrigerated Storage
750.150 Hot Storage
750.155 Damaged Food Containers
750.160 General - Food Preparation
750.170 Raw Fruits and Raw Vegetables
750.180 Cooking Potentially Hazardous Foods
750.190 Dry Milk and Dry Milk Products
750.200 Liquid, Frozen, Dry Eggs and Egg Products
750.210 Reheating
750.220 Nondairy Products
750.230 Product Thermometers
750.240 Thawing Potentially Hazardous Foods
750.250 Food Display and Service of Potentially Hazardous Food
750.260 Display Equipment
750.270 Reuse of Tableware
750.280 Dispensing Utensils
750.290 Ice Dispensing
750.300 Condiment Dispensing
750.310 Milk and Cream Dispensing
750.320 Re-Service
750.330 General - Food Transportation

SUBPART C: PERSONNEL

Section
750.500 General - Employee Health

DEPARTMENT OF PUBLIC HEALTH

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750.510 General - Personal Cleanliness
750.520 General - Clothing
750.530 General - Employee Practices
750.540 Management Sanitation Training and Certification
750.550 Management Sanitation Certification Examination (Repealed)
750.560 Certificate Revocation or Suspension

SUBPART D: EQUIPMENT AND UTENSILS

Section
750.600 General - Materials
750.610 Solder
750.620 Wood
750.630 Plastics
750.640 Mollusk and Crustacea Shells
750.650 General - Design and Fabrication
750.660 Accessibility
750.670 In-Place Cleaning
750.680 Thermometers
750.690 Non-Food-Contact Surfaces
750.700 Ventilation Hoods
750.710 General - Equipment Installation and Location
750.720 Table-Mounted Equipment
750.730 Portable Equipment
750.740 Floor-Mounted Equipment
750.750 Aisles and Working Spaces

SUBPART E: CLEANING, SANITIZING, AND STORAGE OF EQUIPMENT AND UTENSILS

Section
750.800 Cleaning Frequency
750.810 Wiping Cloths
750.820 Manual Cleaning and Sanitizing
750.830 Mechanical Cleaning and Sanitizing
750.840 Drying
750.850 Equipment, Utensil, and Tableware Handling
750.860 Equipment, Utensil, and Tableware Storage
750.870 Pre-Set Tableware
750.880 Single-Service Articles
750.890 Prohibited Storage Area

SUBPART F: SANITARY FACILITIES AND CONTROLS

Section
750.1000 General - Water Supply
750.1010 Transportation
750.1020 Bottled Water

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750.1030 Water Under Pressure
 750.1040 Steam
 750.1050 General - Sewage Disposal
 750.1060 General - Plumbing
 750.1070 Nonpotable System
 750.1080 Backflow
 750.1090 Grease Traps
 750.1100 Drains
 750.1110 General - Toilet Facilities
 750.1120 General - Lavatory Facilities
 750.1130 Containers - Garbage and Refuse
 750.1140 Garbage and Refuse Storage
 750.1150 Disposal of Garbage and Rubbish
 750.1160 General - Insect and Rodent Control
 750.1170 Protection of Openings Against Entrance of Insects and Rodents

SUBPART G: CONSTRUCTION AND MAINTENANCE OF
PHYSICAL FACILITIES

Section
 750.1200 General - Floors
 750.1210 General - Walls and Ceilings
 750.1220 General - Cleaning Physical Facilities
 750.1230 General - Lighting
 750.1240 Protective Light Shielding
 750.1250 General - Ventilation
 750.1260 Special Ventilation
 750.1270 Dressing Areas
 750.1280 Lockers
 750.1290 Poisonous or Toxic Materials Permitted
 750.1300 Labeling of Poisonous or Toxic Materials
 750.1310 Storage of Poisonous or Toxic Materials
 750.1320 Use of Poisonous or Toxic Materials
 750.1330 Personal Medications
 750.1340 First-Aid Supplies
 750.1350 General - Premises
 750.1360 Living Areas
 750.1370 Laundry Facilities
 750.1380 Linens and Clothes Storage
 750.1390 Cleaning Equipment Storage
 750.1400 Animals

SUBPART H: MOBILE FOOD SERVICE

Section
 750.1500 General - Mobile Food Units
 750.1510 Restricted Operation
 750.1520 Single-Service Articles

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750.1530 Water Systems
 750.1540 Waste Retention
 750.1550 Base of Operations
 750.1560 Servicing Area
 750.1570 Servicing Operations

SUBPART I: TEMPORARY FOOD SERVICE

750.1600 General - Temporary Food Service Establishments
 750.1610 Restricted Operations
 750.1620 Ice
 750.1630 Equipment
 750.1640 Water
 750.1650 Wet Storage
 750.1660 Waste Disposal
 750.1670 Handwashing
 750.1680 Floors
 750.1690 Walls and Ceilings of Food Preparation Areas
 750.1700 Single-Service Articles

SUBPART J: FOODSERVICE SANITATION MANAGER CERTIFICATION

750.1800 General
 750.1810 Instructor Approval
 750.1815 Instructor Denial
 750.1820 Course Content
 750.1830 Course Approval
 750.1835 Make Up Work
 750.1836 Home Study
 750.1837 Course Waiver
 750.1838 Course Denial
 750.1840 Reciprocity
 750.1850 Certification Examination
 750.1860 Examination Notification
 750.1861 Class Enrollment Form
 750.1862 Administration of Examination
 750.1865 Monitors
 750.1868 Cheating
 750.1870 Re-test Class
 750.1876 Dictionary
 750.1880 Retake Examination
 750.1890 Certificates
 750.1895 Change of Address

Appendix A Retail Food Sanitary Inspection Report
 Appendix B Examination Date Notification Form
 Appendix C Class Enrollment Form

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

Appendix 0 Permission to Retake Certification Examination Form

of loss of certified personnel to comply.

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1989, ch. 56 1/2, pars. 501 et. seq.), "AN ACT providing for the enforcement of certain state and local food handling and health regulations." (Ill. Rev. Stat. 1989, ch. 56 1/2, pars. 331 et. seq.) and "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1989, ch. 56 1/2, pars. 67 et. seq.) and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 521) and Section 11.1 of "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 77.1)

b) Certification shall be achieved by successfully completing a department approved course and monitored examination offered by the Illinois Department of Public Health, the Educational Foundation (250 North Wacker Drive, Chicago, Illinois 60606), or the Educational Testing Service (1 Rotary Center, Suite 300, 1560 Sherman Avenue, Evanston, Illinois 60201.) An approved course and examination shall be in compliance with Subpart J of this Part

c) Names and certificate numbers of certified personnel shall be maintained at the place of business and shall be made available for inspection.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SOURCE: Adopted December 23, 1975; amended at 2 Ill. Reg. 19, P. 180, effective May 3, 1978; old rules repealed and new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819, effective January 30, 1989; amended at 13 Ill. Reg. 18888, effective December 1, 1989; amended at 14 Ill. Reg. _____, effective _____; amended at 14 Ill. Reg. _____, effective _____.

SUBPART B: FOOD SUPPLIES

Section 750.540 Management Sanitation Training and Certification

- a) All food service establishments as defined in Section 750.10 shall be under the operational supervision of a certified manager or supervisor. ~~As of January 1, 1991, there shall be a minimum of one certified supervisor at each establishment at all times. Food is handled as of January 1, 1991. A minimum of one, full-time certified supervisor shall be required at each establishment; provided, however:~~

- 1) That new food service establishments shall have six (6) months from the initial day of operation to comply.
- 2) That food service establishments which are not in compliance because of employee turnover or other loss of certified personnel, shall have three (3) months from date

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1) Heading of the Part:

Testing of Breath, Blood and Urine for Alcohol and/or Other Drugs

2) Code Citation:

77 Ill. Adm. Code 510

3) Section Numbers:

510.40
510.50
510.70
510.100
510.110
510.130

Proposed Action:

Amendments
Repealer
Amendments
Amendments
Amendments

4) Statutory Authority:

The Illinois Vehicle Code

Ill. Rev. Stat. 1989, ch. 95 1/2, par. 11-501.2 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The Illinois Department of Public Health is charged with the responsibility of approving breath, blood and urine test methods for alcohol and other drugs, licensing test operators and certifying breath test instruments.

The Department is proposing the following rule modification:

Deleting Section 510.40 (b) (2) Photoelectric Colorimetry from the approved methods of breath analysis and remove the Breathalyzer Model 1000 from the list of approved devices for breath analysis.

The Breathalyzer Model 1000 was produced by the Smith & Wesson Corporation which ceased the manufacturing of all breath analysis instruments in June 1984. The last Breathalyzer Model 1000 delivered in Illinois was received in 1974. There are 10 operating Model 1000's left in service. The Model 1000 utilized a glass ampoule containing 3 milliliters of sulphuric acid and potassium dichromate in solution. This is the only breath instrument left in Illinois which used a toxic chemical solution. To dispose of used ampoules the solution was simply washed down a drain placing a very dangerous soluble chemical in the environment. With the deletion of the Breathalyzer 1000 from the approved list of test devices, Section 510.50 Assaying Ampoule Solutions should also be removed from the rules. Without the Model 1000 in service there will be no need for ampoules or assaying ampoule solutions.

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In addition to the above, it was impossible to obtain spare parts or repair a Model 1000. A unit 15 or more years old is no longer reliable and created major maintenance problems.

The Department will be clarifying that the required number of hours of instruction is 32 and not 34 and proposing an addition to Section 510.70, adding a new subsection (g) entitled "Instructor Qualifications" to provide the specific requirements.

Section 510.100 is being amended to correct a typographical error. Section 510.110 is being amended to clarify that samples must be sent to certified laboratories, not the IDPH laboratories.

In addition, the Department is changing the name and address for "S-L2 and S-D2" in Section 510.130 (e) (3) because the manufacturing company has changed.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect. The Department anticipates that this proposed rulemaking will become effective approximately six to nine months, from the date of publication as proposed in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

If Yes: _____

Section Numbers

Proposed Action

Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

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This may expand and contract a state mandate. The rulemaking is necessary to update and clarify Department policy.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs,

Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

June 28, 1990

B) Type of Small Businesses Affected:

None.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER F: EMERGENCY SERVICES AND HIGHWAY SAFETY

TESTING OF BREATH, BLOOD AND URINE FOR ALCOHOL AND/OR OTHER DRUGS
PART 510

Section	Authority
510.10	Definitions
510.20	Construction of Rules
510.30	Instruments for Analyzing the Alcohol Content of Blood By Breath
510.40	Assaying of Ampoule Solutions (Repealed)
510.50	Standards for the Operation of Approved Breath Analysis Instruments
510.60	Licensing of Operator
510.70	Requirements for Renewal of License
510.80	Revocation and Denial of License
510.90	Examining and Certifying Instruments
510.100	Standards and Procedures for Withdrawal of Blood and/or Urine
510.110	Samples for Chemical Analysis of Alcohol or other Drug Content
510.120	Approval of Laboratories and Laboratory Technicians
510.130	Preliminary Breath Screening Test Units (PBT's)

AUTHORITY: Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code (111. Rev. Stat. 1989, ch. 95 1/2, par. 11-501.2).

SOURCE: Filed September 18, 1972; new rules adopted at 5 111. Reg. 14152, effective January 1, 1982; rules repealed at 6 111. Reg. 365, effective January 1, 1982; amended at 7 111. Reg. 1917, effective January 28, 1983; codified at 8 111. Reg. 14271; amended at 9 111. Reg. 9154, effective June 3, 1985; amended at 12 111. Reg. 20211, effective December 1, 1988; amended at 14 111. Reg. _____, effective _____.

Section 510.40 Instruments for Analyzing the Alcohol Content of Blood By Breath

a) Any breath testing instrument to be approved must automatically display the test results visually to the arrested person and provide for an automatic printed test record. Each printed recording shall also contain an automatically printed record of the reading of the testing device made immediately prior to the recording of the tested person.

b) Instruments to be approved must utilize the infra-red absorption ~~one of the following~~ methods of breath analysis for blood alcohol concentration:

1) ~~infra-red-absorption~~--The Intoxilyzer models 4011, 4011A,

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4011AS, 4011ASA, and 5000, the ALCOMAT, Alcotest 7110, RAC Verifier and Data Master Models, the Breathalyzer model 2000, the Intoximeter model 3000, are instruments using the infra/red absorption method and have been approved by the Department.

- 2) ~~Photoelectric Colorimetry--The Breathalyzer Model-1000-is-an instrument-using-the-photoelectric-colorimetry-method-and-has been-approved-by-the-Department.~~
- c) Breath testing instruments to be approved in Illinois must be listed in the Qualified Products Lists of Evidential Breath Measuring Devices prepared by the National Highway Traffic Safety Administration, U.S. Department of Transportation.
- d) Instruments which meet the provisions of Section 510.40 (a),(b) and (c) will be tested by the Department in accordance with the Standards for Devices to Measure Breath Alcohol which were promulgated by the National Highway Traffic Safety Administration, U. S. Department of Transportation.
- e) Any manufacturer who sells breath analysis instruments in Illinois shall report to the Department all such sales listing the name of the agency, the make, and serial number of the instrument.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 510.50 Assaying of Ampoule Solutions (Repealed)

- a) ~~All-companies-engaged-in-the-manufacture,-sale,-and-distribution-of ampoule-solutions-used-in-breath-analysts-instruments-within-Illinois shall-submit-to-the-Department-a-representative-sample-of-ampoule solution-for-each-container-number-to-be-assayed--A-certified-assay report-that-the-ampoules-are-within-the-acceptable-tolerances-for Breathalyzer-solutions-must-be-obtained-from-the-Department-prior-to distribution-of-any-ampoules-with-that-container-number.~~
- b) ~~The-acceptable-tolerances-for-Breathalyzer-solutions-are-as-follows:~~
 - 1) ~~the-tolerance-for-potassium-dichromate-is-0.250-plus-or-minus-5% mg/ml~~
 - 2) ~~the-tolerance-for-the-volume-of-solution-is-3.0+-0.1-ml.~~
 - 3) ~~the-tolerance-for-the-specific-gravity-is-1.53-plus-or-minus 0.01@-24°C.~~
 - 4) ~~silver-must-be-present-in-the-solution~~

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5) ~~sulfate-must-be-present-in-the-solution~~

(Source: Repealed at 14 Ill. Reg. _____, effective _____)

Section 510.70 Licensing of Operator

- a) To be eligible for license examination to qualify as an operator of a breath analysis instrument, the individual must be employed by a law enforcement agency or the Department, and shall have a minimum of thirty two four(324) hours of instruction which includes the following:
 - 1) Presentation, discussion, and demonstration of the psychological, physiological and pharmacological effects of alcohol in the human body.
 - 2) Theory of instruments used in the analytical process which measures alcohol concentration.
 - 3) Practical application in the use of the instrument.
 - 4) A curriculum approved by the Department.
- b) An individual to be licensed under this part shall pass the standardized written examination provided by the Department and satisfactorily complete the uniform practical proficiency examination administered by an inspector assigned by the Department.
- c) Termination of License.
 - 1) A license shall be valid for a period of twelve (12) months from the date of issuance. If the license is not renewed as provided for in Section 510.80 of this Part it shall terminate twelve (12) months from the date of issuance.
 - 2) A license shall automatically terminate when the licensee/operator is no longer employed by a law enforcement agency or the Department.
- d) Licensing classes will be held in locations approved by the Department based upon appropriate lighting, space, heating and air conditioning conditions.
- e) An operator currently licensed under another jurisdiction may apply for licensure in Illinois providing that he has successfully completed training which equals or exceeds the requirements specified in Section 510.70. Upon approval of the application by the Department, the applicant must successfully complete an approved 4 hour review course as stipulated under Section 510.80(h)(4).

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f) If the licensee/operator changes employment he shall immediately notify the Department. If the licensee/operator resigns from an agency and is employed by another approved agency prior to the date his license terminates, the Department shall reissue the license to that operator for the remainder of the period of his previous license.

g) Instructor Qualifications

1) Instructors in courses designed to qualify persons for a license to conduct breath analysis for alcohol must have successfully completed a 34 hour course in compliance with subsections (a), (1), (2) and (3).

2) Any person desiring to qualify as an instructor must have at least 3 years experience as a licensed breath analysis instrument operator, and must submit an application to the Department on a prescribed form listing all technical and educational background.

3) Persons desiring to qualify as an instructor must successfully pass a written examination with a minimum grade of 70%. This examination shall be administered by the Department. It shall contain questions on the subjects of the psychological, physiological and pharmacological effects of alcohol, and the theory of instruments approved for use in Illinois to conduct an analysis by breath for alcohol in the human body. The prospective instructor must also demonstrate his ability to operate all breath analysis instruments certified for use in Illinois in accordance with operational procedures approved by the Department.

4) The Department shall establish locations for instructor qualification examinations in Chicago, Springfield and Carbondale, and shall hold such examinations at least annually.

5) All qualified instructors shall be re-licensed biannually. In each 24 month period the instructor shall demonstrate to an Inspector of the Department his ability to operate all breath analysis instruments certified for use in Illinois in accordance with operational procedures approved by the Department. The instructor must also successfully pass an examination with a minimum grade of 70%. The re-licensing examination will consist of questions on the theory of instruments used in Illinois, and the psychological, physiological and pharmacological effects of alcohol on the human body.

6) The license of a instructor shall be denied or revoked for the

following reasons:

- A) Inability to pass a practical or written examination.
- B) Distribution or unauthorized release of student examination questions.
- C) Dismissal from his agency of employment.

7) The process of denial, revocation, and appeal shall follow the procedure as specified in Sections 510.90 (c), (1), (2), (3) and (d), (e) of this Part.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 510.100 Examining and Certifying Instruments

a) An instrument must be accurate within plus or minus 0.0 1% W-V to be certified. To determine accuracy of instruments, an inspector shall perform two (2) analyses on a certified controlled reference sample at least once a month at intervals not to exceed 45 days. The inspector shall record test results of his certification in the instrument log book. The original certification test results will be retained by the inspector.

b) Breath analysis instruments used shall be examined and certified by an inspector:

- 1) Prior to being placed in operation.
- 2) After being repaired or recalibrated.

c) All agencies are to have their breath analysis instrument and log book available for examination by an inspector.

d) An operational procedure approved pursuant to Section 510.60 (d), shall be at each instrument location.

e) An inspector must be notified when an agency has a malfunctioning instrument which needs repair.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 510.110 Standards and Procedures for Withdrawal of Blood and/or Urine Samples for Chemical Analysis of Alcohol or other Drug Content

a) Blood Collection. When a person is arrested and the arresting

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officer requests a blood test to determine the amount of alcohol or other drugs present, the blood sample shall be collected according to the following procedure(s)

- 1) Blood sample shall be collected in the presence of the arresting officer or other representative of the arresting officer's agency who can authenticate the sample.
- 2) The blood sample shall be collected per venipuncture by a physician licensed to practice medicine by a registered nurse or by a trained phlebotomist acting under the direction of a licensed physician.
- 3) Disinfectant. A disinfectant containing no alcohol or other volatile organic substance shall be used to clean the skin where a specimen is to be collected.
- 4) Equipment for Collection of Blood Samples.

A) Sterile, dry hypodermic needles and syringes or vacuum type blood collecting containers shall be used. Reusable equipment, if used, shall not be cleaned or kept in alcohol or other volatile organic solvent.

B) When hypodermic needles and syringes are used, the sample obtained shall be dispensed in approximately equal volumes, directly into two (2) clean, dry containers. Alcohol or other volatile organic solvent shall not be used to clean the container. The blood shall be mixed with an anticoagulant/preservative which will not interfere with the intended analytical method. The containers shall be closed with inert stoppers.

C) When vacuum type blood collecting containers are to be used as primary collecting tubes, two (2) tubes should be collected each containing an anticoagulant/preservative which will not interfere with the intended analytical method.

D)

- i) The individual containers shall be appropriately and securely labeled to provide the following information:

Name of accused;

Date and time of collection;

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Collecting attendant;

Authorizing officer's signature and agency identification; and Type of anticoagulant/preservative.

- ii) The identity and integrity of the sample shall be maintained through collection to analysis and reporting.
- E) The blood samples shall be delivered directly to the Toxicology Section, Division of Laboratories, Illinois Department of Public Health, 2121 West Taylor, Chicago, Illinois 60612 or to another laboratory certified by the Department.
- F) The testing laboratory shall utilize one container for the appropriate analysis; the second container shall be retained by that laboratory for a period of at least one (1) year if sufficient sample is submitted.
- G) When drugs other than alcohol are suspected, a urine specimen of approximately 30 ml should accompany the blood sample, but shall not be submitted in lieu of the blood sample. The urine sample shall be collected from the accused's first voiding of the bladder in a manner to preserve the dignity of the individual and the integrity of the sample and in accordance with Section 510.110(c)(1) and (3).
- b) Blood and urine samples shall be tested to determine the concentration of alcohol and/or other drugs present by a laboratory method acceptable in a court of law.
- c) Urine collection.
 - 1) A urine sample should be considered only when other methods to determine equivalent alcohol concentration in the blood are not practicable, due to the condition of the individual. A specimen of urine, when collected, shall be collected in a manner to preserve the dignity of the individual and to insure the integrity of the sample. When a person is arrested and the arresting officer requests a urine test, the urine sample should be collected according to the following procedures:
 - A) Urine samples shall be collected in the presence of the arresting officer or a representative of the sample. The officer's agency who can authenticate the sample. The officer or representative shall be of the same sex as the

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subject undergoing testing.

- 2) The accused shall empty his/her bladder and the urine be discarded. One half hour later the accused shall again be requested to void the bladder and the specimen shall be collected in clean, dry container and dispensed in approximately equal volumes directly into two (2) containers. No preservative shall be used. The containers shall be closed with inert stoppers.

- C) Each of the individual containers shall be appropriately and securely labeled to provide the following information:

- i) Name of accused
- ii) Date and time of collection
- iii) Collecting attendant
- iv) Authorizing officer's signature and agency identification

- 2) The identity and integrity of the samples shall be maintained through collection to analysis and reporting.

- A) The urine samples shall be delivered directly to a laboratory certified by the Department. ~~the Toxicology Section-Division of Laboratories, Illinois Department of Public Health, 2121 West Taylor, Chicago, Illinois 60612, or to another laboratory certified by the Department.~~

- B) The testing laboratory shall utilize one container for the appropriate analysis; the second container shall be retained by that laboratory for a period of at least one (1) year if sufficient sample is submitted.

- d) Reporting of Results. The original report of the analysis shall be returned to the submitting agency only. A duplicate copy of the report of the analysis shall be retained in the testing laboratory for a period of at least two (2) years. All laboratories shall submit to the Department of Public Health all analyses results of blood and/or urine of drug content, age of individual, without identifying the individual. The results of these analyses will be kept by the Department and used only for statistical purposes. Results are to be submitted to the Illinois Department of Public Health, Division of Alcohol and Substance Testing ~~implied~~ Consent, 535 West Jefferson, Springfield, Illinois 62761.

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- e) WHEN THE ACCUSED REQUESTS AN ADDITIONAL CHEMICAL ANALYSIS, HE/SHE MAY HAVE A PHYSICIAN, OR QUALIFIED TECHNICIAN, CHEMIST, REGISTERED NURSE, OR OTHER QUALIFIED PERSON OF THEIR OWN CHOOSING ADMINISTER THE TEST. THE test must be conducted in accordance with procedures in Section 510.110(a) THROUGH (c) EXCEPT THOSE PROVISIONS which require the presence and signature of the arresting officer or his/her representative and those provisions in Section 510.110 (a); (2).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 510.130 Preliminary Breath Screening Test Units (PBT's)

- a) Preliminary breath test units are portable electrically or battery powered units, used to determine if alcohol is present in the tested subject's breath.
- b) Preliminary breath test units offered for sale anywhere within the State to law enforcement agencies must be approved by the Department. No instrument shall be given approval if it demonstrates an error in excess of plus or minus .01. Any instrument which is not approved after initial testing shall be re-tested at the request of the manufacturer.

- c) Preliminary breath test units shall be utilized by law enforcement agencies in accordance with the manufacturer's specifications and operating procedures.

d) Unit Approval

- 1) Units listed as Pass/Fail will indicate alcohol levels as follows:

- A) Green Indicator Light - A level of .00 to .05,
- B) Amber Indicator Light - A level of .051 to 0.99,
- C) Red Indicator Light - A level of .10 or higher.

- 2) Units listed as Digital Read will indicate alcohol levels by numeric indication of two digits (.00) on a visible screen.

- 3) Units listed as Digital Pass/Fail will indicate levels of alcohol impairment by a numeric or letter message on the unit screen for .05 to .10 levels.

e) Units Approved:

- 1) ALCO-CHEK, Models I and II and model 3000

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All Pass/Fail and Digital Read Models
Manufactured by Approved Technology, Inc., P.O. Box 88094,
Grand Rapids, MI 49508.

2) ALCO-SENSOR

All Pass/Fail, Digital Read and Digital Pass/Fail Models
Manufactured by Intoximeters, Inc., 1901 Locust St., St.
Louis, MO 63101.

3) S-L2 and S-D2 Lion Alcolimeter ALGQHQL-ANALYZER

All Pass/Fail and Digital Read Models
Manufactured by C.M.I., Inc. 316 East Ninth Street, Owensboro,
KY 42301. ~~National Patent-Analytical-Systems, Inc.,
Expressway-Plaza-Two, Reston-Highway-Nit,~~

4) ALERT Model J-4

All Digital Pass/Fail and Digital Read Models
Manufactured by Alcolol Countermeasures Systems, 924
Military Street, Port Huron, MI 48060.

5) GUTH ALCO-TECTOR

Pass/Fail Model Only
Distributed by Guth Laboratories, Inc., 590 N. 67th Street,
Harrisburg, PA 17111.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

1) Heading of the Part:

WIC Vendor Management Code

2) Code Citation:

77 Ill. Adm. Code 672

3) Section Numbers:

Proposed Action:

672.100	New Section
672.105	New Section
672.110	New Section
672.115	New Section
672.200	New Section
672.205	New Section
672.210	New Section
672.215	New Section
672.220	New Section
672.225	New Section
672.300	New Section
672.305	New Section
672.310	New Section
672.315	New Section
672.400	New Section
672.405	New Section
672.410	New Section
672.415	New Section
672.420	New Section
672.425	New Section
672.430	New Section
672.435	New Section
672.440	New Section
672.445	New Section
672.450	New Section
672.455	New Section
672.460	New Section
672.465	New Section
672.500	New Section
672.505	New Section
672.510	New Section
672.515	New Section
672.520	New Section
672.525	New Section
672.600	New Section
672.605	New Section
672.610	New Section
672.615	New Section
672.620	New Section

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NOTICE OF PROPOSED RULES

Subpart E, WIC Vendor Compliance and Sanctions, outlines compliance with the WIC Vendor Management Act. It includes cause for monitoring; types of violations; severity of sanctions; criteria for termination of Authorization; termination of Authorization; and notice of violation.

Subpart F, Hearing Procedures, defines the process for appealing any adverse action, by the Department, against a WIC Retail Vendor. Contents include applicability of the rules; parties to hearings; appearance and representation of a party; commencement of an action; intervention; motions; discovery; form of papers; service; pre-hearing conferences; conduct of hearings; subpoenas; burden of proof; hearing officer's report and final decision; records of proceedings; and miscellaneous information.

The estimated economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates that this proposed rulemaking will become effective six to nine months from the date of publication as proposed in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☒ No ☐

If "yes," please specify type: 6.02(a) ☒ or 6.02(b) _____

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

If Yes: _____

Section Numbers

Proposed Action

Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

This rulemaking will not expand, contract or create a state mandate.

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NOTICE OF PROPOSED RULES

Proposed Action:

New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section

3) Section Numbers:

672.625
672.630
672.635
672.640
672.645
672.650
672.655
672.660
672.665
672.670

Appendix A

4) Statutory Authority:

WIC Vendor Management Act, Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7551 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The WIC Vendor Management Act, P.A. 86-138, was signed into law on August 3, 1989. These proposed rules are in accordance with the public law and proposed to administer the Act. Each Subpart is briefly described below.

Subpart A, General Provisions, provides definitions for terms used in this part; lists incorporated and referenced materials; and describes the purpose and application of this Part.

Subpart B, WIC Vendor Application and Authorization Process, outlines the legal authority for a Grocery Store or Pharmacy to participate in the WIC Program. It also, describes the geographic distribution and number of Vendors; Application procedures; the WIC Food List and quantities; criteria for denial of initial Authorization; and denial of Authorization.

Subpart C, WIC Vendor Education, defines the process of training and elements of knowledge the Vendor should obtain through training. Included are initial training courses, initial training provided by Vendors, annual and compliance training sessions.

Subpart D, WIC Vendor Authorization and Responsibilities, defines the obligations of the Vendor while under contract with the Department. Contents include the following: Authorization; the WIC Vendor Contract requirement; non-renewal of Vendor Authorization; Food Instrument processing and specifications for rejections; Vendor responsibilities; payment obligation; conflict of interest; unlawful discrimination; amendments; assignment or transfer; civil law suits; Vendor voluntary withdrawal; and notices.

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11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

June 29, 1990

B) Type of Small Businesses Affected:

Grocery Stores, Pharmacies, and dairy stores.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Yes, completion of Vendor Application, price surveys, and maintenance of invoice purchasing records.

D) Types of Professional Skills Necessary for Compliance: N/A

The full text of the Proposed Rules begins on the next page:

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 1: WOMEN, INFANTS, AND CHILDREN PROGRAM

PART 672
WIC VENDOR MANAGEMENT CODE

SUBPART A: GENERAL PROVISIONS

Section	Definitions
672.100	Incorporated Materials
672.105	Purpose
672.110	Application of These Rules
672.115	
SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS	

Section	Geographic Distribution and Number of Vendors
672.200	Application Procedures
672.205	Authorization Criteria and Procedures
672.210	WIC Food List and Quantities
672.215	Criteria for Denial of Initial Authorization
672.220	Denial of Authorization
672.225	
SUBPART C: WIC VENDOR EDUCATION	

Section	Initial WIC Retail Training by the Department
672.300	Initial WIC Retail Training by a Vendor
672.305	Annual WIC Retail Training Program
672.310	Compliance Training Workshop
672.315	
SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES	

Section	Authorization
672.400	WIC Vendor Contract Requirement
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NOTE: Capitalization denotes statutory language.

AUTHORITY: Implementing and authorized by the WIC Vendor Management Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7551 et seq.).

SOURCE: Adopted at 14 Ill. Reg. _____ effective, _____.

SUBPART A: GENERAL PROVISIONS

Section 672.100 Definitions

"ACT" means THE WIC VENDOR MANAGEMENT ACT. (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7551 et seq.).

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"Administrative Warning" means a written notice which describes the nature of a violation to the WIC program and a request for correction of the violation.

"Applicant" means the individual, partnership, limited partnership, or corporation applying to be a WIC Retail Vendor.

"Application" means the application forms and other required materials submitted by a Business Entity to notify the Department that the Business Entity desires to become a WIC Retail Vendor.

"Authorization" means the approval of an Applicant who has met the WIC Vendor criteria and has accepted a WIC Vendor Contract as a WIC Retail Vendor.

"Business Entity" means the retail business which an Applicant or authorized WIC Vendor operates at a particular Vendor Site.

"Contested Case" shall have the meaning ascribed it in Section 3.02 of the Illinois Administrative Procedure Act. (Ill. Rev. Stat. 1989, ch. 127, par. 1003.02)

"Corporate Officer" means the identity of the officer of a Corporation as set forth in its Articles of Incorporation as filed with the State wherein such entity is incorporated.

"DEPARTMENT" MEANS THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH. (Section 3(a) of the Act)

"Department Representative" or "Representative of the Department" means an employee or authorized agent of the Department.

"Director" means the Director of the Illinois Department of Public Health or his designee.

"Food Instrument" or "FI" means a negotiable voucher issued by a Local Agency that specifies the quantity, size and type of authorized foods for a WIC Participant within a designated time period, which can subsequently be taken to a Vendor for exchange for the specified quantities of food.

"Food Voucher" means Food Instrument.

"Grocery Store" means a fixed and permanent retail store whose primary business is the sale of food.

"Hearing Officer" means the person authorized by the Director or his designee to preside at the formal administrative hearing.

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"IAPA" means the Illinois Administrative Procedures Act. (Ill. Rev. Stat. 1989, ch. 127, par. 1001)

"Illinois WIC Retail Food Delivery System" means the system in which Participants obtain WIC Foods by submitting a Food Voucher to a WIC Retail Vendor.

"Local Agency" means a public or private, non-profit health or human services agency which provides health services, either directly or through contract, in accordance with the USDA WIC Regulations, the Act, or this Part.

"Participant" means authorized pregnant women, breastfeeding women, postpartum women, infants or children who are receiving supplemental foods or Food Instruments under the WIC Program.

"Participant Requested Delivery" means a Participant requested delivery of WIC approved foods, from a Vendor, to an address specified by the WIC Participant or Proxy.

"Participant/Vendor Ratio" means the total number of WIC Participants in a given region divided by the total number of WIC Retail Vendors in the same region.

"Pharmacy" means any store, or shop, department, or other place, at a fixed and permanent location, where drugs, medicines or liquid foods, prescribed by a physician licensed to practice medicine in all its branches, for an individual, are dispensed, or sold or offered for sale at retail value.

"Proxy" means a person who is authorized by the Local Agency and the WIC Participant to accept and/or redeem Food Instruments on a participant's behalf.

"Retail Vendor Price Survey" means the current prices, reported to the Department, by a Vendor or a Department Representative as charges for WIC Foods.

"Store Type" means the classification of WIC Retail Vendors by the number of active customer check-out lanes/cash registers. One or two lanes is a type 1 Vendor Site. Three or four lanes is a type 2 Vendor Site. Five to seven lanes is a type 3 store. Eight or more lanes is a type 4 Vendor Site. A Pharmacy is a type 5 vendor site.

"USDA" means the United States Department of Agriculture.

"USDA WIC Regulations" means the Regulations of the United States Department of Agriculture, Food and Nutrition Service, Special

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Supplemental Food Program for Women, Infant, and Children. 7 CFR 246 (1990)

"Vendor" or "WIC Retail Vendor" means the individual, partnership, limited partnership, or corporation authorized by the Department to accept Food Instruments and to provide supplemental food to WIC Participants or Proxies of WIC Participants.

"Vendor Number" means the number assigned to a Vendor by the Department for validating Food Instruments.

"Vendor Site" means a fixed and permanent location, operating as a Business Entity, listed in the WIC Vendor Application, which has been authorized by the Department for purposes of delivery of WIC Foods to WIC Participants or the Proxy of a WIC Participant.

"Vendor Stamp" means the stamp provided to a Vendor by the Department for validating Food Instruments.

"WIC Food List" means the published list of Illinois authorized WIC Foods.

"WIC Foods" means those competitively priced foods determined by the Department to be nutritionally qualified for the WIC Program, in Illinois, and which have been placed on the WIC Food List.

"WIC Participant Identification Card" means the card issued by a Local Agency to a Participant for purposes of the WIC Program.

"WIC Vendor Contract" means a binding agreement signed by the WIC Retail Vendor and the Department for the provision of WIC Foods to Participants.

"WOMEN, INFANTS AND CHILDREN NUTRITION PROGRAM" AND "WIC" MEANS THE FEDERAL SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN INFANTS AND CHILDREN CREATED BY FEDERAL PUBLIC ACT 92-433, AS AMENDED. (Section 3(a) of the Act)

Section 672.105 Incorporated Materials

a) The following materials are incorporated or referenced in various sections of the Part:

- 1) The WIC Vendor Management Act, (P.A. 86-138 effective August 3, 1989)
- 2) USDA WIC Regulations, 7 CFR Part 246 (1990)

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- 3) The Illinois Purchasing Act (Ill. Rev. Stat. 1989, ch. 127), par. 132.11-1 et seq.) (Sections 672.210(a)(5) and (7) and 672.435)
- 4) Criminal Code of 1961 (Ill. Rev. Stat. 1989, ch. 38, par. 33E-3 and 33E-4). (Section 672.210(a)(10))
- 5) Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, par. 2-102(a)) (Section 672.440)
- 6) 7 CFR 15, 15a and 15b (Section 672.440).
- b) All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) All citations to federal regulations in this Part concern the specified regulation in the January 1990 Code of Federal Regulations, unless another date is specified.
- d) Copies of all incorporated materials are available for inspection and duplication (at a fee in accordance with Section 1126.410 of the Department's Freedom of Information Code ((2 Ill. Admin. Code 1126)) by the public at the Department's Central Office, Division of Health Assessment and Screening (535 West Jefferson, Springfield, Illinois 62761).

Section 672.110 Purpose

The purpose of these Rules is to provide for the qualifications, approval process, education and compliance review of Vendors who participate in the Illinois MIC Program. These rules further provide for the sanctions of Vendors who violate this Part and TO ENABLE THE DEPARTMENT TO CARRY OUT ITS RESPONSIBILITIES FOR FISCAL MANAGEMENT AND ACCOUNTABILITY FOR THE FOOD DELIVERY SYSTEM UNDER ITS JURISDICTION. (Section 2 of the Act)

Section 672.115 Application of These Rules

These procedures apply to all Applicants for participation as Vendors in the MIC Program and all Vendors contracting with the Department. Any Authorization issued prior to the effective date of the Act or this Part, shall remain valid and subject to the Act and this Part.

SUBPART B: MIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

Section 672.200 Geographic Distribution and Number of Vendors

Upon receipt of the Application, the Department shall utilize

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Participant/Vendor Ratios and shall consider Participant MIC needs within geographic locations to determine if the Applicant can apply to be a MIC Retail Vendor. The Participant/Vendor Ratio shall be calculated for the geographic regions within the State of Illinois (see Appendix A) to determine the need for MIC Retail Vendors within such regions. Participant/Vendor Ratios for each of the nine (9) regions within Illinois shall be:

- a) Regions one (1) through eight (8) shall be greater than 40:1, but less than 120:1.
- b) Region nine (9) shall be greater than 75:1, but less than 160:1.
- c) If an Applicant applies for MIC Authorization in a region which exceeds the maximum Participant/Vendor Ratio, the Application shall be denied. An exception shall be granted when the Applicant's charges to the Department or shelf price, whichever is lower, for MIC Foods are at least ten percent (10%) below the Department's regional estimated cost, and the Applicant agrees to maintain these charges to the Department at such level during the period of Authorization.

Section 672.205 Application Procedures

The Department shall provide an Application for applying to become a MIC Retail Vendor. Submission of a completed Application shall not constitute Authorization to an Applicant to accept or receive payment for Food Instruments. Any Application submitted improperly or incompletely shall be returned to the Applicant. Any application not completed and returned to the Department within ninety (90) calendar days from receipt by the Applicant shall not be processed. An Applicant can apply for Authorization to become a MIC Retail Vendor by submitting the following to the Department:

- a) An Application for MIC Vendor Authorization as a sole proprietorship shall include the following:
 - 1) Identity and addresses of owner;
 - 2) owner's Social Security number;
 - 3) the Federal Employer Identification Number (FEIN) of the Business Entity;
 - 4) Identification of any ownership interest of thirty percent (30%) in any other entity applying for MIC Vendor authorization or MIC Vendor;
 - 5) Identification of the Business Entity, the Store Type, location of the Vendor Site and an employee contact for MIC purposes;

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- 6) proof of the owner's Social Security number;
- 7) proof of the Business Entity's FEIN; and
- 8) proof of USDA Food Stamp Authorization, if applicable.
- b) An Application for MIC Vendor Authorization as a corporation shall include the following:
 - 1) Identity and location of corporation's principal place of business;
 - 2) Identity and address of registered agent;
 - 3) FEIN of the corporation;
 - 4) Identification of an ownership interest of thirty percent (30%) or more by the stockholders listed in Section 672.205 (b)(3) and such an ownership interest by these stockholders in any other entity applying for MIC Vendor authorization or MIC Vendor;
 - 5) Identity of the Business Entity, Store Type and location of the proposed Vendor Site and an employee contact for MIC purposes;
 - 6) Certificate of Good Standing from the Illinois Secretary of State;
 - 7) Certification of Incorporation from the State in which the Applicant is incorporated;
 - 8) Identification and address of each Corporate Officer;
 - 9) proof of corporation's FEIN; and
 - 10) proof of USDA Food Stamp Authorization, if applicable.
- c) An Application for MIC Vendor Authorization as a partnership or limited partnership shall include the following:
 - 1) Identity and address of each limited and general partner and the registered agent;
 - 2) ownership percentages of each limited and general partner;
 - 3) Social Security number of each limited and general partner;
 - 4) FEIN of the partnership or limited partnership;

- 5) Information concerning any ownership interest of thirty percent (30%) or more by any limited or general partner listed in Section 672.205 (a)(1);
- 6) Information concerning the Business Entity, Store Type and the location of proposed Vendor Site and an employee contact for MIC purposes;
- 7) proof of Social Security numbers of each limited and general partner;
- 8) proof of the partnership or limited partnership FEIN;
- 9) proof of USDA Food Stamp Authorization, if applicable; and
- 10) If a limited partnership, it must provide a Certificate of Existence issued by the Illinois Secretary of State.
- d) Each owner, partner, limited partner, or shareholder of five percent (5%) or more of any stock shall also provide a statement concerning any conviction for a misdemeanor involving fraud, theft, or misuse of state or federal funds or any felony.
- e) Each Applicant or authorized representative shall attest to the accuracy of information provided in the Application.
- f) Each Application shall be notarized after signature of the Applicant or authorized representative.
- g) The Applicant shall have an obligation to notify the Department in writing, by Certified Mail, of material changes in information contained on the Application after Authorization and during the term of the MIC Vendor Authorization.
- h) Proof of FEIN shall include a copy of a notice of new employer identification number assigned or a copy of the Federal Tax Deposit Coupon.
- i) Proof of a Social Security number shall include a copy of the Applicant's driver's license showing the Social Security number, an identification card issued by the Illinois Secretary of State, or a copy of the Social Security card.
- j) If applicable, proof of USDA Food Stamp Authorization shall include a copy of the federal Food Stamp Program Authorization/Retailer Card.
- k) The Applicant shall provide documents which verify the date of purchase or acquisition of the Business Entity for which the

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Applicant is seeking WIC Vendor Authorization.

- 1) Each Applicant shall attest to compliance with necessary local, municipal, or village licenses at the proposed Vendor Site.

Section 672.210 Authorization Criteria and Procedures

- a) Only WIC Retail Vendors authorized by the Department shall be eligible to accept Food Instruments or otherwise provide supplemental foods to WIC Participants. Any Applicant seeking Authorization to become a WIC Retail Vendor has an obligation to meet the following criteria before Authorization. In addition, any approved Vendor has a continuing obligation to meet the below listed criteria during the period of Authorization:

- 1) The Vendor Site shall be located within the boundary lines of the State of Illinois.
- 2) The Vendor Site shall have a fixed and permanent location. This site shall be the address indicated on the WIC Vendor Application and shall be the location where a WIC Participant or Proxy shall select WIC Foods during business hours.

- A) This site shall not be at an address or within any building where Food Instruments are distributed to WIC Participants.

- B) The price charged to the WIC Program for WIC Foods provided through Participant Requested Delivery shall not exceed those prices charged to cash paying customers nor the prices posted at the Vendor Site. The Vendor shall not charge for delivery of WIC Foods.

- 3) Each Vendor Site listed in the Application shall have seventy percent (70%) or more gross receipts from the sale of non-alcoholic products.

- 4) Authorization to participate in the USDA Food Stamp Program or any other federal food program is not a prerequisite for Authorization as a WIC Retail Vendor. If, however, an Applicant or Vendor has been authorized to participate in the USDA Food Stamp program or other federal food program, he shall not have been denied, suspended, disqualified, terminated, or assessed a civil money penalty during the two (2) years preceding Application for Authorization as a WIC Retail Vendor.

- 5) Neither the Applicant, Vendor, nor any officers or officials, shall have been involved in bribery as prohibited under Section 11.1 of the Illinois Purchasing Act. (Ill. Rev. Stat.

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1989, ch. 127, par. 132.11-1.)

- 6) The Applicant or approved Vendor shall be barred from receiving state contracts as a result of any default on any educational loans as that term is defined in AN ACT in relation to educational loans, amending an Act named therein. (Ill. Rev. Stat. 1989, ch. 127, par. 3551 et seq.)

- 7) Neither the Applicant, Vendor, nor his or her spouse or minor children, shall hold an elective office in the State of Illinois, a seat in the General Assembly, appointment or employment in any of the offices of State government during the period of any WIC Vendor Authorization as prohibited under Section 11.1 of The Illinois Purchasing Act (Ill. Rev. Stat. 1989, ch. 127, par. 132.11-1).

- 8) Neither the Applicant, Vendor, its officers, directors, individual partners, nor their spouses or minor children who owns more than seven and one-half percent (7 1/2%) ownership or beneficial interest in the Business Entity seeking Authorization to participate in the WIC Program shall be employed by the WIC Program of a Local Agency.

- 9) Neither the Applicant, nor the Vendor shall have been convicted of a misdemeanor involving fraud, misuse or theft of State or Federal funds or of any felony. A certified copy of conviction may be offered and admitted into evidence as proof of such conviction.

- 10) The Applicant or Vendor shall be barred from bidding on or entering into a WIC Vendor Contract as a result of a violation of Sections 33E-3 or 33E-4 of the Criminal Code of 1961 (Ill. Rev. Stat. 1989, ch. 38, par. 33E-3 or 33E-4).

- 11) Neither the Applicant, Vendor, nor any owner of thirty percent (30%) or more ownership shall have been terminated from the WIC program in the previous three (3) years.

- 12) The Applicant or Vendor shall adhere to the provisions of the USDA WIC Regulations, the Act, and this Part.

- b) Applicants shall be authorized as WIC Retail Vendors based upon the following:

- 1) An Application and all supporting documents shall be properly completed and verified by the Department. No Application shall be deemed complete unless it includes all necessary supporting documents required by this Part.

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- 2) The Applicant's proposed Vendor Site shall be initially inspected by the Department.

A) The Department shall conduct an initial inspection of the proposed Vendor Site after receipt of a completed Application. Such inspection shall determine whether the Applicant has the minimum quantities, sizes, and types of WIC Foods and shall verify any business or financial information submitted by the Applicant.

B) If the inspection discloses that the Applicant's proposed Vendor Site does not have the minimum quantities, sizes, or types of WIC Foods necessary or that business or financial information supplied by the Applicant is erroneous, inaccurate, or insufficient, the Department shall advise the Applicant of the deficiencies and conduct another inspection of the Vendor Site.

C) If the second inspection by the Department discloses that the Applicant's proposed Vendor Site does not meet the minimum quantities, sizes, and types of WIC Foods or if business or financial information supplied by the Applicant remains erroneous, inaccurate or insufficient, the Application shall be denied.

- 3) The minimum quantities, sizes, and types of WIC Foods necessary at a Vendor Site are those specified in the WIC Vendor Contract. A copy of this list shall be provided to each Applicant and approved Vendor.

4) The Department shall complete a Retail Vendor Price Survey of WIC Foods during the initial inspection by collecting the lowest posted shelf prices for WIC Foods. If the Applicant's prices are five percent (5%) above the average prices in the same region for WIC Foods, the Application shall be denied, unless the Participant/Vendor Ratio is less than that specified in Section 672.200 (a) and (b) or the Applicant is a Pharmacy or drug store which only redeems Food Instruments for infant packages.

5) The Applicant shall be notified by the Department whether or not the inspection of the proposed Vendor Site, the business, the financial, or other information provided by the Applicant meet the criteria set forth in this Part. If the Applicant meets such criteria, he shall be notified of approval to attend the initial Retail Vendor training course.

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Section 672.215 WIC Food List and Quantities

a) Foods which qualify for delivery to WIC Participants shall be determined by the Department in accordance with 7 CFR 246.10 and placed upon a list which shall be made public. This list shall be printed and distributed at least once each calendar year. Changes made to the WIC Food List by the Department including addition and deletion of eligible foods, shall be distributed to all Local Agencies, eligible Participants and WIC Vendors prior to implementation. If a Vendor intends to utilize a WIC Food List which differs in form from the WIC Food List distributed by the Department, such use shall require prior approval of the Department. To obtain such approval, the Vendor shall submit a request for such use in writing to the Department and shall include a copy of the food list it intends to use. The Department shall review the food list submitted and inform the Vendor whether it shall approve or disapprove of the use of such list based upon the current Department list and 7 CFR 246.10. Disapproval of such a request shall not give rise to any right of administrative appeal.

b) Minimum required quantities as specified in the WIC Vendor Contract are as follows:

- 1) All Vendors in ZIP code prefix 606 of the City of Chicago shall maintain sufficient quantities to provide food for three (3) participants.
- 2) All Vendors outside of the City of Chicago (not within ZIP code area prefix 606 of Chicago) shall maintain sufficient quantities to provide food for two (2) participants.

Section 672.220 Criteria for Denial of Initial Authorization

A determination by the Director or his designee to deny initial Authorization shall be based upon a finding that one (1) or more of the following criteria are met:

- a) The Applicant has not met the requirements of the USDA WIC Regulations, the Act, or this Part.
- b) The Applicant has submitted false, erroneous, or inaccurate information on the Application, or in the business or financial information provided to the Department or during the course of the initial on site inspection of the proposed Vendor Site.
- c) The Applicant has refused to allow the Department access to inspect the proposed Vendor Site during the Applicant's normal business hours.

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- d) The Applicant has submitted a FEIN or Social Security number for the Business Entity to be operated at the proposed Vendor Site which is not the same FEIN or Social Security number filed for the same Business Entity with the USDA Food Stamp Program and/or with the Illinois Department of Revenue.
- e) The Applicant does not have the necessary local, municipal, or village license to operate as a Business Entity at the proposed Vendor Site.
- f) The applicant has previously been authorized as a WIC Vendor and the Applicant's charges as a Vendor for WIC Foods, for a minimum of three (3) months during the contract period, were:
- 1) more than the Department's estimated costs for those WIC Foods as reflected in the Vendor Price Survey; or
 - 2) at least five percent (5%) or greater than the average charges submitted by other Vendors of the same Store Type in the same geographic region.

Section 672.225 Denial of Authorization

- a) Application for Authorization as a WIC Retail Vendor shall be denied when the Director or his designee finds that an Application meets any of the criteria set forth in Section 672.220.
- b) When the Director or his designee determines that the Application for Authorization as a WIC Retail Vendor is to be denied, the Department shall notify the Applicant. The notice to the Applicant shall be in writing and shall include:
- 1) A clear and concise statement of the basis for denial. The statement shall include a citation to the USDA WIC Regulations, the Act, or the provisions of this Part for which the Application is being denied.
 - 2) A description of the right of the Applicant to appeal the denial of the Application within fifteen (15) calendar days of receipt of the letter and the right to a hearing.

SUBPART C: WIC VENDOR EDUCATION

Section 672.300 Initial WIC Retail Training by the Department

- a) An initial WIC Retail training course shall be provided to Vendor Applicants who have met the criteria in Subpart B. All Vendor Sites shall send a representative listed on the application to such

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- training course except as provided for in Section 672.305.
- b) The initial WIC Retail training course shall include, but shall not be limited to the following: the purpose of the WIC Program; certification of WIC Participants; responsibilities of the WIC Retail Vendor; minimum quantities, sizes and types of authorized WIC Foods; Food Instrument processing and transactions; USDA WIC Regulations, the Act and the provisions of this Part; monitoring and compliance visits; WIC fraud and abuse provisions; potential sanctions to Vendors; collection of overcharges; the Vendor's responsibility for maintenance of purchasing records; procedures for WIC Participant, Vendor or public complaints; the WIC Vendor Contract; and completion of the Retail Vendor Price Survey.
- c) All Applicants or their representatives at the initial retail training course shall sign a roster indicating their attendance.
- d) At the end of the initial retail training course, each Applicant or the Applicant's representative shall sign a certification of understanding of the WIC Program.

Section 672.305 Initial WIC Retail Training by a Vendor

- a) A Vendor who meets the following criteria shall have the option of providing the initial WIC retail training to each Vendor Site only with written prior approval of the Department. The Vendor shall meet the following criteria:
- 1) the Vendor shall submit a written request to provide the training course and all materials which shall be used in the course which shall include the subjects specified in Section 672.300 (b);
 - 2) all WIC Retail Vendor outlets shall operate under one FEIN;
 - 3) the Vendor shall have a minimum of twenty (20) Illinois WIC Retail Vendor Sites;
 - 4) Department representatives shall be allowed to observe the training; and
 - 5) a certification of understanding of the WIC Program shall be completed and signed by the Vendor or his representative.
- b) If the criteria in Section 672.305(a) are met, the Department shall send a written notification permitting the Vendor to provide the initial WIC Retail Vendor training. This permission shall be valid for the period covered by the WIC Vendor Authorization.

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Section 672.310 Annual WIC Retail Training Program

- a) Each representative from all Vendor Sites shall be notified and shall participate in an annual Department sponsored training program. This person shall not represent more than one (1) WIC Retail Vendor Site at any annual training course.
- b) Each training program shall include, but not be limited to the following topics: any changes to the USDA WIC Regulations, the Act, or the provisions of this Part, and issues relating to the WIC Vendor Contract.
- c) A representative from each Vendor Site shall sign a certificate of participation in the training program.

Section 672.315 Compliance Training Workshop

- a) Any WIC Retail Vendor who has been found to have committed a Class A, Class B or Class C Violation, as defined in Section 672.505, shall be required to attend a compliance training workshop as required in Section 672.510. Any Vendor required to attend shall not represent more than one (1) WIC Retail Vendor Site at any compliance workshop.
- b) The Vendor shall be notified in writing of the workshop date by the Department.
- c) Workshop topics shall include, but not be limited to the following: the WIC Vendor Contract, the USDA WIC Regulations, the Act, and the provisions of this Part.
- d) All Vendors or representatives of the Vendor at a compliance workshop shall sign a roster indicating their attendance.
- e) At the end of the compliance workshop, each Vendor or representative of the Vendor shall sign a certification of understanding of the topics addressed during the compliance workshop.

SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section 672.400 Authorization

Upon successful completion of the process for Application or re-authorization, each Applicant or WIC Vendor who meets the criteria set forth in this Part shall be notified that they are approved for Authorization pending completion of a WIC Vendor Contract.

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Section 672.405 WIC Vendor Contract Requirement

All Authorizations to act as WIC Retail Vendors require a properly executed, written WIC Vendor Contract between the Department and the Vendor. In the retail purchase system, a standard WIC Vendor Contract shall be used statewide and shall expire annually. Exceptions to this requirement shall be made with the approval of the Director consistent with USDA WIC Regulations (7 CFR 246.12 (f) (1)).

Section 672.410 Expiration of WIC Vendor Authorization and Contract

The Department is under no obligation to re-authorize a WIC Vendor at the time of expiration of the WIC Vendor Contract.

Section 672.415 Food Instrument Processing

The Vendor shall submit Food Instruments for payment for the provision of WIC supplemental foods in the following manner:

- a) The Vendor shall ask the WIC Participant for the WIC Participant Identification Card and verify that the Participant name on the Food Instrument is the same as on the WIC Participant Identification Card. If the Participant sends a Proxy to obtain the foods, the Proxy's signature shall be on the WIC Participant Identification Card, but shall not be on the Food Instrument. The Vendor shall be allowed to request from the Proxy's or Participant an additional form of identification with the Proxy's or Participant's name on it. If the Proxy or Participant does not have another form of identification, the Vendor shall have grounds to refuse the Proxy's or Participant's request to obtain the foods.
- b) The Vendor shall not accept a Food Instrument that is signed before the Vendor fills in the actual amount of sale.
- c) The Food Instrument shall be accepted only within the time limits specified on the Food Instrument.
- d) The Vendor shall ensure that the food items selected by the WIC Participant or Proxy are authorized WIC Foods and are the same as those on the Food Instrument.
- e) The Vendor shall write the actual total shelf price or less on the Food Instrument. The Food Instrument shall be signed by the WIC Participant or the approved Proxy. Both of these actions shall take place at the Vendor Site unless the transaction is a Participant Requested Delivery. The Vendor shall not obtain the Participant/Proxy signature, until after the actual amount of sale is put on the Food Instrument.

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- f) The Vendor shall verify the signature on the WIC Participant Identification Card against the signature on the Food Instrument as either the name of a Participant or a Proxy.
- g) The Vendor shall stamp the assigned four (4) digit Vendor Number on the Food Instrument in the space indicated.
- h) The Vendor shall deposit the Food Instrument in a local financial institution within sixty (60) days from the "First Day To Use" printed on the Food Instrument.

- i) Any Food Instrument improperly completed by the Vendor shall be rejected.

Section 672.420 Specifications for Rejection of Food Instruments

- a) Food Instruments shall be rejected for payment for the following reasons:

- 1) Submission of a Food Instrument before the "First Day To Use".
- 2) Submission of a Food Instrument for payment more than sixty (60) calendar days past the "First Day To Use".
- 3) Submission of a Food Instrument identified by the Department or by the financial institution as being invalid, void, or previously paid.
- 4) Submission of a Food Instrument by an unauthorized Vendor, or submission of a Food Instrument which has an unauthorized, inaccurate, or missing Vendor Number.
- 5) Submission of a Food Instrument without a Participant or Proxy signature.
- 6) Submission of a Food Instrument whose value is greater than the maximum value amount printed on the Food Instrument.
- 7) Submission of a Food Instrument which has been altered.
- b) Food Instruments deposited in a financial institution without the Participant signature, with a missing, inaccurate, or invalid Vendor Number, or submitted for payment before the "First Day To Use" shall not be paid.

Section 672.425 WIC Retail Vendor Responsibilities

- a) The Vendor shall monitor the WIC Foods approved by the USDA and

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shall furnish only the prescribed quantities, types and brands of food specified on the Food Instrument. Pharmacies or drug stores which only redeem Food Instruments for infant packages, i.e. infant formula, infant cereal, and infant juice, shall be exempt from the minimum stock requirements of those Foods which are not in the Infant Package. However, these establishments must have the ability to supply special formulas in the necessary quantities upon request within twenty four (24) hours.

- b) The Vendor shall accept Food Instruments only within the time limits indicated on the Food Instruments and shall not receive payment for Food Instruments submitted before the "First Day to Use" or after the "Last Day to Use".
- c) The Vendor shall be responsible for payment and replacement of a lost, stolen or destroyed Vendor Number Stamp.
- d) The Vendor shall display the price of WIC Foods, charged to the general public, in clear view of customers, identifying the price of the specific WIC Food item.
- e) The Vendor shall provide WIC Foods to Participants or Proxies at the same price or less than the price charged to non-WIC customers.
- f) The Vendor shall accept Food Instruments only from WIC Participants, Proxies or Representatives of the Department who present a WIC Participant Identification Card.
- g) The Vendor shall not issue a WIC Participant any document (e.g., rain check) purporting to give the WIC Participant the right to buy a WIC Food item or non-WIC Food item after the Food Instrument is signed by the Participant or Proxy. The Vendor shall not exchange any WIC Food item under any circumstances.
- h) The Vendor shall grant sale prices to Participants on Food Instruments and shall honor coupons and discounts for WIC Foods.
- i) The Vendor shall participate in an annual WIC training program as specified in Section 672.310.
- j) The Vendor shall be responsible for all Food Instruments accepted and processed for payment by current and former employees at the Vendor Site. The Vendor shall also be responsible for the accuracy of any information submitted to the Department by such employees. The Vendor shall be responsible for reviewing Food Instruments which have been accepted to make certain that the total cost does not exceed the posted shelf prices or the prices charged to non-WIC customers.

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k) The Vendor shall abide by the USDA WIC Regulations, the Act, and this Part.

l) The Vendor and his Business Entity shall be subject to audit by the Department or USDA for the time period covering any present or previous Authorization. The Vendor shall maintain all records of purchases, gross sales receipts, and invoices of all WIC and non-WIC Foods for a period not less than three (3) years. The original of such records shall be made available to the Department or USDA upon reasonable request. The Vendor shall also provide the Department and USDA the opportunity to inspect all Food Instruments located at the Vendor Site or under the control of the Vendor.

m) The Vendor shall respond truthfully and accurately to Department initiated requests for Retail Vendor Price Surveys, verification of ownership of the Business Entity or Vendor Site, proof of WIC and non-WIC purchases and sales, and proof of the volume of alcoholic beverage sales. Such responses shall be in writing and be provided within fifteen (15) calendar days of receipt of the Department's request.

n) The Vendor shall maintain all refrigerated areas at a temperature of forty degrees Fahrenheit (40°F) or below, and no WIC Foods shall exceed the expiration date printed on the food item.

o) The Vendor shall not exchange Food Instruments for any form of currency, or other items of value, nor provide the Participant with any amount of currency or coin as change from a partial WIC Food transaction.

p) The Vendor shall not seek restitution from WIC Participants for Food Instruments not paid by the Department or fines levied by the Department and/or any financial institution. The Vendor shall not seek or receive restitution from the Department for monetary penalties for rejected Food Instruments.

q) The Vendor shall not charge sales taxes for WIC Foods, as the Department is exempt from such tax under tax number E9984-1002-01.

r) The Vendor shall reimburse the Department for any Food Instruments redeemed in violation of the USDA WIC Regulations the Act, this Part or the WIC Vendor Contract.

s) Neither Authorization as a WIC Vendor nor the WIC Vendor Contract constitutes employment between the Vendor and the Department as a State employee or provides eligibility for any employee benefits provided by the State of Illinois.

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t) The Vendor shall offer the same courtesies to WIC Participants as offered to other customers.

u) The Vendor shall notify the Department, in writing and by Certified Mail, when material information included in the Vendor's Application changes.

v) The Vendor shall not deny a Participant any WIC Foods indicated on the Food Instrument which the Vendor has in stock.

w) Neither the Vendor, nor his employee, shall require that a Participant exchange their selection of WIC Foods because the WIC Foods selected exceed the maximum value of the Food Instrument. Nor shall the Vendor request or accept any remuneration for the difference between the Participant selected WIC Foods and the maximum value of the Food Instrument.

x) The Vendor shall allow WIC Participants freedom to select any WIC Foods in stock at the Vendor Site.

Section 672.430 Payment Obligation

Obligations of the Department shall cease immediately without penalty of further payment if the Illinois General Assembly or any federal funding source fails to appropriate or otherwise make available sufficient funds for this process.

Section 672.435 Conflict of Interest

The Vendor shall comply with the conflict of interest provisions of the Illinois Purchasing Act. (Ill. Rev. Stat. 1989, ch. 127, pars. 132.11-1 - 132.11-5)

Section 672.440 Unlawful Discrimination

The Vendor shall not engage in unlawful employment discrimination barred by the Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, par. 2-102(A)) nor engage in discrimination practices barred by USDA Regulations (7 CFR Parts 15, 15a and 15b).

Section 672.445 Amendments Resulting From a Change in Statute or Regulation

The Department shall amend the WIC Vendor Contract, in writing, to include or incorporate additional provisions which shall be required as a result of a change in Federal or State statute or regulation or which shall be required by the Department for the administration, operation, or evaluation of the WIC Program. The Vendor shall receive thirty (30) calendar days notice of the effective date of such amendments.

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Section 672.450 Assignment or Transfer

The Vendor shall not sell, assign, or transfer in any manner the Authorization, the WIC Vendor Contract, the WIC Vendor Stamp, or the WIC Vendor Number. Any actual or attempted sale, assignment or transfer of the above shall be considered a breach of the WIC Vendor Contract. The death of a Vendor (if an individual) or the voluntary or involuntary dissolution of a Vendor corporation, partnership, limited partnership, association, or firm shall cause the Vendor's Authorization and WIC Vendor Contract to be subject to Section 672.515 (h) and 672.520. The Vendor has an affirmative duty to notify the Department, in writing at the place listed in the WIC Vendor Contract, fifteen (15) calendar days in advance of any scheduled sale, lease, bankruptcy or cessation of the Vendor's Business Entity or the sale of any majority interest of any corporation or partnership.

Section 672.455 Civil Law Suits

The Vendor shall hold the Department harmless for any liability for any compensation, award, or damages in connection with the Vendor's performance as a WIC Retail Vendor for any injury which might occur to any of the Vendor's employees, WIC Participants or others as the result of any act, omission, or negligence of the WIC Vendor.

Section 672.460 Voluntary Withdrawal from the WIC Vendor Contract

A Vendor may voluntarily withdraw from participation in the WIC Retail Vendor program with approval of the Department. A request for such withdrawal shall be made in writing by the Vendor and sent to the Department at least fifteen (15) calendar days in advance of the desired date of withdrawal. If at the time of the requested withdrawal, the Vendor owes a fine assessment or any other monies resulting from a violation of this Part, such penalty and other monies due shall be paid in full prior to withdrawal from the WIC Retail Vendor program. Any voluntary withdrawal shall be for a period of not less than two (2) years.

Section 672.465 Notices

The Vendor shall send all notices to the Department by Certified Mail at the address listed in the WIC Vendor Contract.

SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section 672.500 Compliance Monitoring Inspections

THE DEPARTMENT SHALL DEVELOP A SYSTEM FOR MONITORING THE OPERATIONS OF ALL WIC RETAIL FOOD VENDORS TO ENSURE COMPLIANCE WITH FEDERAL AND STATE LAWS AND RULES GOVERNING THE WIC PROGRAM. THE DEPARTMENT SHALL INVESTIGATE ALL ALLEGED VIOLATIONS OF THE FEDERAL AND STATE LAWS AND RULES PROMULGATED THEREUNDER. (Section 6 (a) and (b) of the Act)

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Section 672.505 Violations

Violations shall be classified as either Class A Violations, Class B Violations, or Class C Violations. Each Class of violation is listed below.

a) Class A Violations:

- 1) Disqualification or suspension from participation in the USDA Food Stamp Program, or imposition of a civil money penalty by the Food Stamp Program.
- 2) Exchanging cash or credit for Food Instruments.
- 3) Exchanging non-food items or alcoholic beverages for Food Instruments.
- 4) Receiving, transacting or redeeming WIC Food Instruments from any source other than a Participant, a Proxy or a Representative of the Department.
- 5) Charging WIC Participants, Proxies or Department Representatives more for WIC Food than non-WIC customers or charging more than the posted shelf price.
- 6) Charging the WIC program for WIC Foods not received by the Participant, Proxy or Department Representatives or for Foods provided in excess of those listed on the Food Instruments.
- 7) Claiming reimbursement for the sale of any amount of WIC Food item which exceeds the store's documented inventory of that food item for a specified period of time.

b) Class B Violations:

- 1) Substitution of unauthorized foods not specified on the Food Instruments or WIC Food List.
- 2) Failure to maintain the minimum stock requirements as specified in the WIC Vendor Contract and/or having any expired WIC approved foods on the shelf.
- 3) Requiring a Participant to exchange their selection of WIC Foods.
- 4) Altering or submitting for payment altered Food Instruments.
- 5) Failure to post current shelf prices for WIC Foods.
- 6) Accepting any remuneration for the difference between the

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maximum value of the Food Instrument and the shelf price of the WIC Foods.

c) Class C Violations:

- 1) Failure to submit Retail Vendor Price Surveys requested by the Department.
- 2) Failure to submit information requested by the Department within the time period specified by the Department.
- 3) Acceptance of a Food Instrument that is signed by the Participant, Proxy, or Department Representative before the total actual cost is filled in by the Vendor.
- 4) Failure to attend an annual Retail Vendor training program.

Section 672.510 WIC Vendor Sanctions

Any Class A or B Violation shall subject the Vendor to reimburse the Department for any overcharges, charges for items not received by WIC Participants, and monies paid for products not authorized as WIC Foods.

- a) Any Class A Violation shall constitute grounds for termination of Authorization pursuant to Section 672.515 and Section 672.520. The length of such termination shall constitute, at a minimum, termination from the WIC program for a period of one (1) year. Each such Class A Violation shall also subject a Vendor to a fine assessment of two thousand five hundred dollars (\$2,500) and attendance at a compliance training workshop except for the violations cited in Section 672.505 (a) (1).

- b) Any Class B Violation shall constitute grounds for the following sanctions:

- 1) For the first Class B Violation, the WIC Retail Vendor shall be given written notice of the violation and shall be given an Administrative Warning.
- 2) For the second Class B Violation committed within twenty four (24) months of the first Class B Violation, the Vendor shall be subject to a fine assessment of one thousand dollars (\$1,000). The Vendor shall also be required to attend a compliance training workshop as specified in Section 672.315.
- 3) The third Class B Violation committed within twenty four (24) months of the first Class B Violation shall be grounds for termination of the Vendor Authorization pursuant to Section

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672.520 and a fine assessment of two thousand five hundred dollars (\$2,500).

- c) Any Class C Violation shall constitute issuance of an Administrative Warning.
- d) The time period of twenty four (24) months referenced in subsections (b)(2) and (b)(3) shall commence from the time the notice of violation, termination or fine assessment is issued by the Department.
- e) All fine assessments shall be paid by cashier certified check or money order in United States currency.

Section 672.515 Criteria for Termination of Authorization and Fine Assessment

A determination by the Director or his designee to terminate Authorization and impose a fine assessment shall be based upon a finding that one (1) or more of the following criteria are met:

- a) the Vendor has not met requirements of the USDA WIC Regulations, the Act, or the provisions of this Part;
- b) the Vendor has submitted false, erroneous, or inaccurate information on the Application, in the business or financial information provided to the Department, on the Retail Vendor Price Survey, or during the course of inspections of the Vendor Site;
- c) the Vendor has refused to allow the Department access to inspect the Vendor Site during normal business hours;
- d) the Vendor has been found by the Department to have violated provisions of Section 672.505 (a) or (b);
- e) the Vendor has submitted a Federal Employers Identification Number (FEIN) for the Business Entity operating as a Vendor which differs from the FEIN filed for the same Business Entity with the USDA Food Stamp Program or with the Illinois Department of Revenue;
- f) the Vendor has not fulfilled the terms of the WIC Vendor Contract;
- g) the Vendor has sold, leased, or discontinued the Business Entity or moved the Business Entity to a new location or new address; or
- h) the Vendor corporation, partnership, or limited partnership has been voluntarily or involuntarily dissolved or that the Vendor sole proprietor has died.

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Section 672.520 Termination of Authorization and Fine Assessment

- a) The termination of Authorization as a WIC Retail Vendor and imposition of a fine assessment shall occur when the Director or his designee finds that the Vendor meets any of the criteria set forth in Section 672.515.
- b) When the Director or his designee determines that the termination of a WIC Vendor's Authorization and imposition of fine assessment is to occur, the Department shall notify the Vendor. The notice shall be in writing and shall include:
 - 1) A statement of the nature of the basis for the adverse actions. The statement shall include a citation to the provisions of the USDA WIC Regulations, the Act, or this Part on which the termination is based.
 - 2) A description of the right of the Vendor to appeal the adverse action and the right to a hearing.

Section 672.525 Notice of Violation

Each notice of violation shall be in writing and shall contain the following information:

- a) a description of the nature of the violation;
- b) a citation of the specific provision of the USDA WIC Regulations, the Act or this Part which the Department believes has been violated;
- c) a statement of the level of violation as determined pursuant to Section 672.505;
- d) a statement that the Department may take additional action under the Act or this Part, including termination of WIC Vendor Authorization and the WIC Vendor Contract and an assessment of penalties;
- e) a description of the Vendor's right to appeal the notice within fifteen (15) calendar days of receipt of the notice and the right to request a hearing; and
- f) the effective date for any proposed adverse action against a Vendor under Sections 672.225, 672.510 or 672.520.

SUBPART F: RULES OF PRACTICE AND PROCEDURES IN ILLINOIS WIC RETAIL VENDOR ADMINISTRATIVE HEARINGS

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Section 672.600 Applicability

- a) This Subpart shall govern all formal administrative hearings for the Department relating to the denial or termination of Authorization as a WIC Retail Vendor in Illinois, any penalty assessments, and the requirement to attend a compliance training workshop as a result of violations of the USDA WIC Regulations, the Act, or this Part.
- b) Article II of the Code of Civil Procedure (Ill. Rev. Stat. 1989, ch. 110, par. 2-101 et seq.) and Article II of the Illinois Supreme Court Rules (Ill. Rev. Stat. 1989, ch. 110A, par. 101 et seq.) are incorporated into this Subpart for use in all formal administrative hearings under this Part. In case of conflict between Article II of the Code of Civil Procedure or Article II of the Illinois Supreme Court Rules, the provisions of this Subpart shall control.
- c) These rules do not govern the various informal administrative procedures which the Department may pursue prior to issuing a notice of violation.

Section 672.605 Parties to Hearings

The parties to administrative hearings before the Department are Department and applicants or Vendors.

Section 672.610 Appearance and Representation of a Party

- a) A party may be represented by an attorney who is licensed in Illinois. Attorneys who appear in a representative capacity must file written notice of appearance setting forth:
 - 1) the name, address and telephone number of the attorney;
 - 2) the name and address of the party represented; and
 - 3) an affirmative statement indicating that the attorney is licensed to practice law in Illinois.
- b) An attorney, licensed to practice law, may withdraw from employment as a representative only upon written notice to the Department stating the reasons for withdrawal and consistent with the Code of Civil Procedure. (Ill. Rev. Stat. 1989, ch. 110, par. 1-101.) Such withdrawal shall require an appropriate ruling by the Hearing Officer.
- c) A sole proprietor who is authorized as a WIC Retail Vendor may appear and be heard on his own behalf.
- d) A corporation or association which is authorized as a WIC Retail

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Vendor shall appear and be heard only by an attorney licensed to practice in the State of Illinois.

- e) A partnership or limited partnership authorized as a WIC Retail Vendor may appear and be heard by any partner, upon presentation to the Department of written authorization from all partners authorizing him to act in a representative capacity.
- f) Special appearances are not recognized. The initial appearance regardless of form is deemed a general appearance.
- g) Each party to a proceeding who appears before the Department either in person or by counsel, shall inform the Department in writing or upon the record of the address at which any notice or other document may be served upon him or her in such proceeding. All further service may be made by regular mail unless otherwise required by statute or rule. Service shall be presumed unless disputed in the record.
- h) Attorneys appearing before the Department shall conform their conduct to the Illinois Code of Professional Responsibility, effective December, 1989, and as amended. Any failure to behave in a manner which permits the efficient functioning of the hearing will authorize the Hearing Officer to take the following actions:
 - 1) limitation of evidence;
 - 2) substitution of written argument in place of oral argument; or
 - 3) exclusion of an attorney from the proceeding.

Section 672.615 Commencement of an Action

Administrative actions under these rules shall be commenced by the Director signing and issuing a notice of violation, termination, or penalty assessment or as a result of a request for a hearing by an applicant resulting from denial of Authorization. The effective date of any notice of violation, termination, or penalty assessment or any denial of authorization shall be not less than 15 days from the date of receipt of such notification.

- a) For notice in all actions under this Part, the Department shall serve on all parties to a Contested Case a notice of an opportunity for an administrative hearing. The notice shall be signed by the Director.

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- 1) The notice of an opportunity for an administrative hearing shall contain:

- A) a statement of the nature of the hearing;
- B) a statement of the date and place at which a request for a hearing from the person given the opportunity for a hearing is to be received by the Department, and the date set for receipt of the request for a hearing shall be at least fifteen (15) calendar days from the date the notice is mailed or personally served;
- C) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- D) a reference to the applicable sections of USDA WIC Regulations, the Act, or this Part; and
- E) unless accompanied by a notice of violation and a short, plain statement of the matters asserted.

- 2) An administrative hearing must be requested within ten (10) calendar days of receipt.

- 3) An applicant or a WIC Retail Vendor who receives a notice of an opportunity for an administrative hearing must submit a written request for the hearing to the Department. The request is to be sent to the Department at the address stated in the notice and must be postmarked by the date set forth in the notice. Failure to comply with this rule shall constitute a waiver of the person's right to an administrative hearing.

- b) Upon receipt of a request for a hearing within the stated time frame, the Department shall issue a notice of an administrative hearing. The notice of an administrative hearing shall contain:

- 1) a statement of the nature of the hearing;
- 2) a statement of the time and place of the hearing or if a pre-hearing or conference is scheduled by the Department, the time and place of the conference;
- 3) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- 4) a reference to the applicable sections of USDA WIC Regulations, the Act, or this Part.

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Section 672.620 Motions

a) Motions, unless made during a hearing or the pre-hearing conference, shall be made in writing and shall be set for the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of motion. Motions to amend the notice of violation and answer may be allowed in accordance with Section 2-616 of the Code of Civil Procedure (Ill. Rev. Stat. 1989, ch. 110, par. 2-616), upon proper motion at any time during the pendency of the proceeding, such motion shall not effect the hearing timeframes set forth in this Part. Motions based on a matter which does not appear of record shall be supported by affidavit.

b) Written motions shall be titled as to the party making the motion and the nature of the relief sought. Such title shall be in capital letters and shall be placed below the caption or to the right of the caption beneath the docket number. No motion shall be identically titled with any other Motion.

c) If not raised at the earliest opportunity, motions to the pleadings shall be deemed waived. Motions to the pleadings shall not be granted if the pleadings are in conformity with Section 672.625 of this Part or the information sought is obtainable through discovery.

d) The Hearing Officer shall not have the authority to postpone, vacate, or overturn an order of the Department, but may make a recommendation to the Director any time before he issues the Hearing Officer's report that an interim order be issued postponing, vacating, or overturning the order if circumstances merit such a recommendation.

e) Motions for a continuance shall be granted only in accordance with Section 2-1007 of the Code of Civil Procedure (Ill. Rev. Stat. 1989, ch. 110, par. 2-1007). Motions for continuance shall be in writing and filed at least three (3) calendar days prior to the hearing. Such motions shall state the basis for the request and all steps taken to avoid the necessity of a continuance.

1) only one continuance shall be allowed for the Vendor and Department. No continuance may be for more than fourteen (14) calendar days.

2) After one continuance has been granted to a party, an additional continuance may be granted to that party only if there is a bona fide emergency or "Act of God."

3) Whenever possible as much of the hearing as possible shall be heard and only those matters that must be continued shall be continued.

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f) All motions, petitions and other pleadings under this Section shall be filed with the Hearing Officer with a copy being sent to all other parties.

Section 672.625 Discovery

a) Prior to or at the pre-hearing conference, the Department shall provide an Applicant or Vendor with a copy of all the Department's investigative reports including any Food Instruments specific to the matter in dispute and to the Applicant or Vendor against whom the administrative action is pending. If no pre-hearing conference is requested, the Department shall provide copies of the investigative reports and Food Instruments prior to hearing.

b) Upon written request served on the opposing party, any party shall be entitled to:

- 1) the name and address of any witness who may be called to testify;
- 2) copies of any document which may be offered as evidence; and
- 3) a description of any other evidence which may be offered.

c) Whether or not a request is made, during discovery an Applicant or Vendor shall be entitled to any exculpatory evidence in the Department's possession which tends to support the Applicant or Vendor's position or which might impeach the credibility of a Department witness.

d) Upon a written request served on the Applicant or Vendor, at any time after a notice or petition for hearing is filed, or at any stage of the hearing, the Applicant or Vendor will be required to produce documents, books, records, or other evidence which relate directly to conduct of his Business Entity.

Section 672.630 Form of Papers

a) All papers filed in any proceeding except exhibits shall be typewritten or printed. If typewritten, the impression shall be on one side of the paper and long quotations shall be single spaced and indented. Mimeographed, multigraphed, hectographed, photostated papers, facsimile and the like, shall be accepted as typewritten.

b) All papers, except exhibits, shall be cut or folded so as not to exceed a width of eight and one half inches (8 1/2) and a length of eleven (11) inches and shall have inside margins not less than one (1) inch wide. Whenever practical, all exhibits of a documentary character shall conform to said requirements.

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- c) All pleadings, written motions, or notices filed in the administrative proceeding shall be dated and signed in ink by the party filing the paper or his attorney.
- d) Pleadings, written motions, and notices shall contain the address of the party filing the paper or, if represented by an attorney, the name and business address of such attorney.

Section 672.635 Service

- a) Notices under Section 672.615 shall be served either personally or by Certified Mail upon all parties or their agents appointed to receive service of process.
- b) Service of pleadings or motions under Section 672.615 or Section 672.620 of this Part, unless otherwise provided for in this Section, shall be made by delivering in person, transmitting by facsimile or by depositing it in the United States Mail, properly addressed with postage prepaid, one copy to each party to the proceeding. When any party has appeared by attorney, service upon the attorney shall be deemed service upon such party.
- c) Proof of service under subsection (b) shall be by certificate of attorney, affidavit or acknowledgment.

Section 672.640 Pre-Hearing Conferences

- a) A pre-hearing conference shall be scheduled by the Hearing Officer or the Department as a result of a request pursuant to subsection (b). (See Section 672.615(b)). This conference shall be held prior to the date of hearing and shall be for the purpose of considering:
 - 1) the simplification of the issues;
 - 2) amendments to the pleadings;
 - 3) the possibility of obtaining admissions of fact and of documents which shall avoid unnecessary proof;
 - 4) the limitation of the number of expert witnesses; and
 - 5) any other matters which may aid in the disposition of the hearing.
- b) After a pre-hearing conference, the Hearing Officer shall make a report which recites any action taken by the Hearing Officer and any agreements made by the parties as to any of the matters considered and which specifies as the issues for hearing those not disposed of

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at the conference.

- c) A certified stenographic reporter shall not be present at a pre-hearing conference unless one of the parties to the proceeding requests the Department to make arrangements for a court reporter to be present. Such request must be received by the Department at least two (2) working days in advance of the scheduled pre-hearing conference. The party requesting the presence of the court reporter shall be billed directly for the services of the reporter.

Section 672.645 Conduct of Hearings

- a) All hearings conducted in any proceedings shall be open to the public.
- b) Hearings shall be conducted by the Director or by a Hearing Officer appointed by the Director. If the Director conducts the hearings, any reference, to this Part to the Hearing Officer, shall be read to refer to the Director.
- c) The Hearing Officer shall conduct hearings; administer oaths; issue subpoenas; regulate the course of hearings; hold informal conferences for the settlement, simplification or definition of issues; dispose of procedural requests, motions, and similar matters; continue the hearing from time to time when necessary; examine witnesses; rule upon the admissibility of evidence and amendments to pleadings; issue recommended findings to the Director.
- d) The Hearing Officer shall direct all parties to enter their appearances on the record.
- e) The Hearing Officer shall be appointed by the Director and shall be an attorney licensed to practice law in the State of Illinois.
- f) Written opening arguments, written closing arguments, legal memorandum, trial briefs, or similar documents shall not be permitted unless all parties so stipulate. This rule shall not prohibit the Hearing Officer from requesting that certain issues be briefed by the parties.
- g) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Unless precluded by law, disposition may be made of any Contested Case by stipulation, agreed settlement, consent order, or default.
- h) At any stage of the hearing or after all parties have completed the presentation of their evidence, the Department, or its Hearing Officer may call upon any party, technical staff of the Department,

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or other departments of state government, or state universities for further materials or relevant evidence upon any issue.

- i) The rules of evidence and privilege as applied in civil cases in the circuit court of this state shall be followed. However, evidence not admissible under such rules of evidence may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonable prudent persons in the conduct of their affairs. Immaterial, irrelevant, or unduly repetitious material shall be excluded. All admissible evidence shall be considered in accordance with its relative probative value in formulating the final decision of the Director and also in formulating the findings of fact and conclusions, of law which support the decision. A copy of the whole or any part of an admissible book, record, paper, or memorandum of the Department which is made by photostatic or other method of accurate and permanent reproduction may be admitted in evidence at the hearing without further proof of the accuracy of such copy. When any material or relevant matter offered in evidence by any party is embraced in a book, paper, or document containing other matter not material or relevant, the party offering the same shall plainly designate the matter so offered. Objections to evidentiary offers may be made and shall be noted in the record.

- j) Official notice may be taken of matters of which circuit courts of this state may take judicial notice. In addition, official notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Department's experience, technical competence and specialized knowledge may be utilized in the evaluation of evidence.

- k) The Department will arrange for a certified stenographic reporter to make a stenographic record of the hearings in all administrative hearings under this Part. Any person may make arrangements to obtain a copy of the stenographic record from the reporter. The Department reserves the right to employ a certified stenographic reporter. A copy of any stenographic record made by a Department employee may be purchased from the Department at a cost of one dollar (\$1) per page.

- l) Suggested corrections to the transcript of record may be offered within five (5) calendar days after the transcript is filed in the proceedings, unless the Director or the Hearing Officer permits suggested corrections to be offered thereafter. Suggested corrections shall be served upon or brought to the attention of such party, whose appearance is of record, or his attorney, the official

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reporter, or the Hearing Officer. If suggested corrections are not objected to, the Hearing Officer shall direct the corrections to be made and the manner of making them. In case the parties disagree on suggested corrections, they may be heard by the Hearing Officer, who shall then determine the manner in which the record shall be changed, if at all.

- m) No exception need be taken to any ruling or action of the Department or of its Hearing Officer.
- n) Venue shall be the location designated in the notice of administrative hearing or notice of an opportunity for an administrative hearing. Venue may be moved to another location only upon stipulation by all parties or ordered by the Hearing Officer.
- o) If a party, or any person at the instance of or in collusion with a party, violates any of this Part or ruling of the Hearing Officer, the Hearing Officer, on motion, may enter such orders as are just, including, among others, the following:

- 1) that further proceedings be stayed until the order or rule is complied with;
- 2) that the offending party be barred from filing any other pleading relating to any issue to which the refusal or failure relates;
- 3) that he be barred from maintaining any particular claim or defense relating to that issue;
- 4) that a witness be barred from testifying concerning that issue;
- 5) that, as to claims or defenses asserted in any pleading to which that issue is material, a judgment by default be entered against the offending party or that his notice or petition suit be dismissed with or without prejudice; or
- 6) that any portion of his pleadings relating to that issue be stricken, judgment be entered as to that issue.

Section 672.650 Subpoenas

- a) Subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records or memoranda may be issued by the Director or the Hearing Officer upon his own motion or upon the written request of any party to the proceeding. The Director or the Hearing Officer may require the party requesting the issuance of subpoenas to

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demonstrate the relevancy of the request to the issues in the hearing.

- b) Subpoenas issued by the Director or the Hearing Officer upon the request of a party to the proceeding shall be delivered to the requesting party who shall be responsible for serving the subpoenas. Subpoenas shall be served personally, transmitted by facsimile or by Certified Mail.
 - c) The witness fee for attendance and travel shall be the same as the fee of the witnesses before the Circuit Courts of this State. When a witness is subpoenaed by the Director or Hearing Officer upon his own motion or upon the request of the Department, the witness fee shall be the same as the fee of the witnesses before the Circuit Courts of the State and the travel expenses shall be paid in accordance with the State travel rules (80 Ill. Adm. Code 3000).
- Section 672.655 Burden of Proof
- a) The burden of proof rests with the Department in relation to all administrative actions initiated by the Department pursuant to Section 672.510.
 - b) The burden of proof rests with the Applicant as to all administrative actions initiated upon a petition for hearing filed by an Applicant after the denial of Authorization under Section 672.225.
 - c) Each party who initiates an administrative action as indicated in Section 672.615 (a) and (b) shall prove his case by a preponderance of the evidence.

Section 672.660 Hearing Officer's Report and Final Decision

- a) At the conclusion of a hearing at which the Director has not presided, the Hearing Officer shall make a report of the hearing, with his findings of fact and conclusions of law and his recommendations, if any, to the Director which report shall be accompanied by a transcript of the record, all exhibits admitted into evidence, copies of all pleadings and documents or evidence made a part of the record and any other material which is deemed to be a part of the record.
- b) The Director or his designee shall review the entire record of administrative proceedings as set forth in Section 672.670 and shall issue a final order within ninety (90) calendar days of the receipt of the request for a hearing.
- c) The Director shall adopt a final decision in each case supported by concise findings of fact and appropriate conclusions of law. The

decision and supporting findings of fact and conclusions of law shall be made a part of the official record of each hearing. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the finding.

- d) A copy of any decision or order of the Director shall be served personally or by Certified Mail or by registered mail upon all parties of record or their agents appointed to receive service.

Section 672.665 Records of Proceedings

- a) A full and complete record shall be kept of all proceedings. The record shall consist of the following:
 - 1) all pleadings (including all notices and responses thereto), motions, and rulings;
 - 2) a transcript of the hearing, if any, and all evidence received;
 - 3) a statement of matters officially noticed;
 - 4) offers of proof, objections and ruling thereon;
 - 5) proposed findings and exceptions;
 - 6) any decision, opinion or report by the Hearing Officer;
 - 7) all staff memoranda or data submitted to the Hearing Officer or members of the Department in connection with their consideration of the case; and
 - 8) any communication prohibited by Section 15 of the IAPA; however, such communications shall not form the basis for any finding of fact.
- b) Unless a party requests that the following documents be included in the record, the following shall be excluded from the record:
 - 1) subpoenas;
 - 2) requests for subpoenas;
 - 3) cover letters;
 - 4) notices of filing or proofs of service; and
 - 5) certificates of mailing for regular mail.

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NOTICE OF PROPOSED RULES

Section 672.670 Miscellaneous

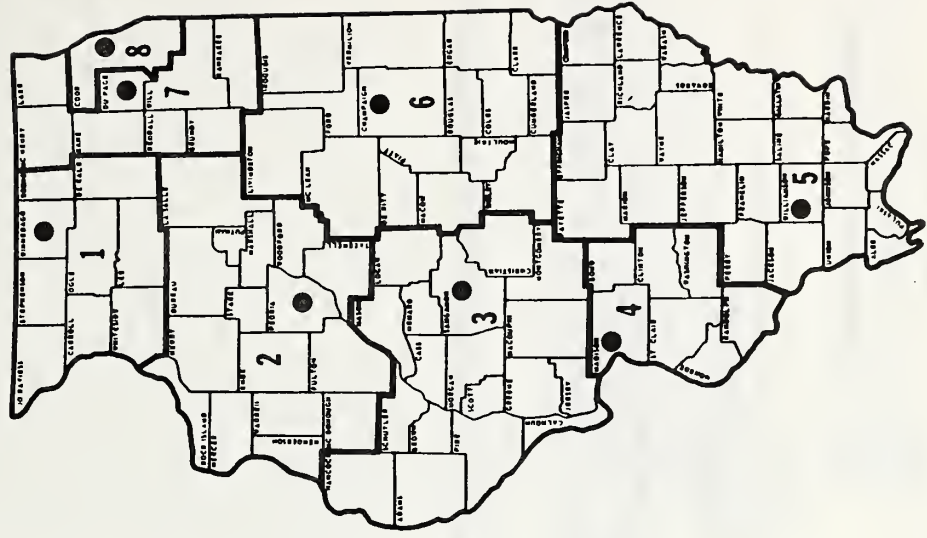
- a) Construction of Rules: This Part shall not be construed to abrogate, modify, or limit any rights, privileges, or immunities granted or protected by the Constitution or laws of the United States or the Constitution or laws of the State of Illinois. In case of any conflict between this Part and the IAPA or the WIC Vendor Management Act, the terms of the latter shall control. In case of any conflict between this Part and Article II of the Code of Civil Procedure or the Supreme Court practice rules, the terms of this Part shall control.
- b) Waiver: Compliance with any of the provisions of Subpart F of this Part or with any or all provisions of the IAPA regarding Contested Cases may be waived by written stipulation of all parties.
- c) Jurisdiction: For the purpose of this Part, a pre-hearing conference shall be considered the first stage of a hearing.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

Appendix A Illinois Regional Map

Actual size and location for region nine (9) is an approximate only. Region nine (9) consists of all ZIP Code areas which contain a prefix of 606.



SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Numbers: Proposed Action

1030.15 Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 6-100 et seq.)

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking establishes the criteria used by the Department to compel a person to submit to driver's license re-examination.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.

9) Are there any other amendments pending on this part?

Section Number	Proposed Action	Illinois Register Citation
1030.16	New Section	()
1030.65	Amendment	()
1030.81	New Section	14 Ill. Reg. 5060 (April 6, 1990)
1030.94	Amendment	14 Ill. Reg. 1902 (February 2, 1990)

10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.

11) Time, place and manner in which interested persons may comment on this Proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Nancy Short
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

- Section 1030.10 What Persons Shall Not be Licensed or Granted Permits
- 1030.11 Procedure for Obtaining a Driver's License
- 1030.15 Cite for Re-examination
- 1030.20 Classification of Drivers-References
- 1030.30 Classification Standards
- 1030.40 Fifth Wheel Equipped Trucks
- 1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation Vehicle
- 1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
- 1030.60 Third-Party Certification Program
- 1030.63 Religious Exemption for Social Security Numbers
- 1030.65 Instruction Permits
- 1030.70 Driver's License Testing/Vision Screening
- 1030.75 Driver's License Testing/Vision Screening with Vision Aid
- 1030.80 Arrangements Other than Standard Eye Glasses or Contact Lens(es)
- 1030.84 Driver's License Testing/Written Test
- 1030.84 Vehicle Inspection
- 1030.85 Driver's License Testing/Road Test
- 1030.86 Multiple Attempts/Road Test
- 1030.88 Exemption of Facility Administered Road Test
- 1030.89 Temporary Licenses
- 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
- 1030.91 Disabled Person/Handicapped Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Permit
- 1030.95 Consular Licenses
- 1030.100 Anatomical Gift Donor
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- Appendix A Questions Asked of a Driver's License Applicant
- Appendix B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987², ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104 (b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987², ch. 95 1/2, par. 2-104).

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 12, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at _____, effective _____; amended at 14 Ill. Reg. _____, effective _____.

Note: Boldface type denotes statutory language.

Section 1030.15 Cite for Re-examination

- a) For purposes of this Section, the following definitions shall apply:

Administrative Effort - any act whereby an employee of the Secretary of State causes information collected by the licensee applicant to be inaccurately presented on said applicant's driver's license;

Authorized Secretary of State Employee - a Secretary of State driver's license applicant who is an employee of the Secretary of State with a supervisory position;

"Cited Driver" - a driver who has been requested by the Secretary of State to appear for re-examination.

"Competent Medical Specialist" - any person licensed to practice medicine in this or any other State, including but not limited to a physician, chiropractor, optometrist, clinical psychologist, an alcohol and/or drug counselor or physical or occupational therapist.

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"Department" - Department of Driver Services within the Office of the Secretary of State.

"Driver Improvement Clinic" - class designed to improve driving skills and techniques of all holders of a probationary driver's license.

"Driver Services Facility" - facility operated by the Secretary of State where driving examinations are administered and driver's licenses are issued.

"Driver's License Examination" - examination administered by the Secretary of State which consists of a vision test, written test, and road test, or any given section or sections thereof.

"Endorsement" - an indication on the driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Examination Error" - any act or omission by a Secretary of State employee which causes an individual to fail to be qualified by examination or makes him/her not qualified to drive a motor vehicle as he/she is classified, restricted or endorsed on his/her driver's license.

"Family Member" - a person who is an immediate member of a family, including but not limited to the spouse, mother, father, son, daughter, sister, brother and legal guardian.

"Good Cause" - examples of dangerous driving or of a physical or mental condition which interferes with safe driving or a situation where a Secretary of State Driver Services Facility employee fails to give a required exam or section thereof commits examination error.

"Illinois Medical Advisory Board" - a nine (9) member board appointed by the Director of the Department of Public Health pursuant to Section 506-3 of the Driver License Medical Review Act (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 506-3).

"Law Enforcement Official" - police officer, sheriff, judge, city prosecutor, or state's attorney.

"Secretary of State" - Illinois Secretary of State.

b) Any qualified medical practitioner/ commissioned police officer/ or member of the judiciary may submit information to the Department of

NOTICE OF PROPOSED AMENDMENT(S)

The Secretary of State relative to the physical condition of a person, including suspected chronic alcoholism or habitual use of narcotics or dangerous drugs, if such condition interferes with the person's ability to operate a motor vehicle safely (Section 506.13 of the Driver License Medical Review Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 506.13)). Upon receipt of a written request citing good cause, the Department shall require a driver to submit to a driver's license re-examination. The request must be received from a law enforcement official, a physician, a psychologist, psychologist or an authorized Secretary of State employee. All written requests shall be confidential and the Secretary of State shall not release such information without a court order. The Department shall accept signed, written comments, requests and/or recommendations citing good cause for a driver's license re-examination of a driver based on the first-hand knowledge of one or more of the following sources:

- 1) competent medical specialist
- 2) law enforcement official
- 3) member of the judiciary
- 4) Illinois Medical Advisory Board
- 5) family member
- 6) Secretary of State employee

Upon receipt of a signed, written request citing good cause for a driver's license re-examination, the Department shall require the cited driver to submit to a driver's license re-examination (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 6-207). All written requests received by the Department under this Section shall be confidential and shall not be released absent a court order.

c) The Department shall notify the driver of his or her obligation to appear within five (5) days of a choice of three given dates at a designated Driver Services Facility address in location to the city or town of residence which is recorded on the driver's motor vehicle license renewal. There will be a 10 day grace period after the third given date before the Department will cancel the driver's license. If the driver notifies the Department that he or she will be unable to appear on any of the three (3) designated dates, the Department shall issue three (3) more dates on which the driver may appear for re-examination. There will also be a 10 day grace period after the last date given for appearance prior to the Department cancelling the driver's license. If the driver notifies the Department that he or she will not be able to appear during any of the second set of dates, the Department shall notify the driver of a final set of three (3) dates in which the driver may appear. Once the 10 day grace period expires, the Department will cancel the driver's license. The driver may not request more additional dates in which to appear for re-examination. The Department shall provide the cited driver with at

NOTICE OF PROPOSED AMENDMENT(S)

least five (5) days' written notice of his or her obligation to appear at a Driver Services Facility for re-examination, pursuant to Section 6-207 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. The Department shall allow the driver a twenty-one (21) day period following the expiration of the notice period to qualify by examination for the retention of a his/her driver's license.

d) Cited drivers shall be tested on the specific sections of the driver's license examination indicated in the written request for re-examination received from the Department. If no reference to a specific section of the driver's license examination is made in the written request, the Department shall administer the cited driver the complete driver's license examination.

e) Driver's license examinations shall be administered to the cited driver for no fee. Drivers cited for any portion of the examination shall receive only one opportunity to pass the exam. Failure to pass any reexamination portion of the examination shall result in the cancellation of that person's driver's license in accordance with Sections 6-201(a)(3) and 6-103(6) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 6-201(a)(3) and 6-103(6)). Failure of the driver cited to appear on any of the three alternative dates indicated on the notice of citing a 10 day period which follows the last date will result in the cancellation of his/her driver's license. A cited driver who passes all administered sections of the driver's license examination shall be deemed to be in compliance with the Department's request, and shall be allowed to retain his/her valid driver's license.

f) Driver's license examinations shall be administered to the cited driver for no fee. Refusal or neglect of such driver to submit to such an examination within the twenty-one (21) day period (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 6-207 and 6-201(a)(6)) or failure to successfully pass the driver's license examination (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 6-201(a)(5) and 6-103(6)) shall result in the cancellation of his/her driver's license pursuant to the aforementioned authority as contained in the Illinois Driver Licensing Law of the Illinois Vehicle Code. The individual will be allowed to make application for a new driver's license pursuant to Section 1-110 of the Illinois Vehicle Code and Sections 6-106 and 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 1-110, 6-106 and 6-109).

g) In the event of application error, the (2) requests shall be made of the license to return to a driver services facility to obtain a corrected license. If the license is corrected, a corrected driver's license shall be issued without a fee. If the license fails to comply, the driver shall be cited for re-examination. Failure to appear

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for re-examination of failure to pass the exam shall result in cancellation of the driver's license. In the event of examination error, one (1) request shall be made of the licensee to return to a Driver Services Facility to submit to the proper examination. If the licensee complies within fifteen (15) days of issuance of the request, a corrected driver's license, if required, shall be issued without a fee. If the licensee fails to comply within fifteen (15) days of the request, he/she shall be cited for re-examination pursuant to subsections (b) through (f) of this Section.

h) If a facility errs in not giving a certain section of the driver's license examination and the licensee has not complied with two (2) written requests to return to a driver services facility for re-examination, the driver will be cited for the section of the examination which was previously omitted. If appropriate, the cited driver passes the administered section of the driver's license examination, he/she shall retain his/her driver's license. If the licensee fails to appear at the exam, the driver's license shall be cancelled.

i) If following vision reports are received indicating a driver's license re-examination, and the licensee has not complied with two (2) written requests to return to a driver services facility to obtain a corrected license, the driver shall be cited. If appropriate, the licensee shall be issued a corrected driver's license with a fee. If the licensee fails to appear at the exam, his/her driver's license shall be cancelled.

(Source: Amended at 14 Ill. Reg. _____, effective _____.)

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Reimbursement to Banks and Corporate Fiduciaries for Financial Records
- 2) Code Citation: 38 Ill. Adm. Code 356
- 3) Section Numbers: Adopted Action:
 356.10 Amendment
 356.20 Amendment
 356.30 Amendment
 356.40 Amendment
- 4) Statutory Authority: Implementing Section 48.1(f) and authorized by Section 48(6) of the Illinois Banking Act (Ill. Rev. Stat. 1989, ch. 17, pars. 360(f) and 359(6)(a) and implementing Section 5-11 and authorized by Section 5-1 of the Corporate Fiduciary Act (Ill. Rev. Stat. 1989, ch. 17, pars. 1555-11 and 1555-1).
- 5) Effective date of Rule: July 15, 1990.
- 6) Does this rulemaking contain an automatic repeal date?
 Yes ☒ No
- 7) Does this rule contain incorporations by reference? No.
- 8) Date filed in Agency's principal office: June 20, 1990.
- 9) Notice of Proposal Published in Illinois Register: March 9, 1990, 14 Ill. Reg. 3303.
- 10) Has JCAR issued a Statement of Objections to this Part? No.
- 11) Differences between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? JCAR had no questions and made no suggestions on this Amendment.
- 13) Will these amendments replace an emergency rule currently in effect? No.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ADOPTED AMENDMENT

- 14) Are there any other proposed amendments pending on this Part? No.
- 15) Summary and Purpose of Rules: This Part contains the Commissioner of Banks and Trust Companies' determination regarding rates and conditions under which banks and corporate fiduciaries may be reimbursed for costs which are reasonably necessary and directly incurred in a search for financial records pursuant to a lawful subpoena, summons, warrant or court order.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Name: William L. Conaghan or Maria A. O'Donnell
 Commissioner of Banks and Trust Companies
 Address: 310 South Michigan Avenue, Suite 2130
 Chicago, Illinois 60604
 Telephone: (312) 793-2043

The full text of the Adopted Amendment begins on the next page:

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ADOPTED AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: COMMISSIONER OF BANKS AND TRUST COMPANIESREIMBURSEMENT TO BANKS AND CORPORATE FIDUCIARIES FOR
FINANCIAL RECORDS
PART 356

Section	
356.10	General Rule for Reimbursement of Costs
356.20	Rates of Reimbursement
356.30	Documentation of Costs
356.40	Payment of Costs

AUTHORITY: Implementing Section 48.1(f) and authorized by Section 48(6) of the Illinois Banking Act (Ill. Rev. Stat. 1989, ch. 17, pars. 360(f) and 359(6) and implementing Section 5-11 and authorized by Section 5-1 of the Corporate Fiduciary Act (Ill. Rev. Stat. 1989, ch. 17, pars. 1555-11 and 1555-1).

SOURCE: Adopted at 12 Ill. Reg. 11182, effective August 8, 1988; amended at 14 Ill. Reg. 11183, effective July 15, 1990.

NOTE: Bold-face type denotes statutory language.

Section 356.10 General Rule for Reimbursement of Costs

A bank or corporate fiduciary shall be reimbursed for costs which are reasonably necessary (including but not limited to personnel costs, reproduction costs and transportation costs) and which have been incurred in searching for, reproducing and transporting books, papers, records or other data of a customer which have been requested to be produced pursuant to a lawful subpoena, summons, warrant or court order. (Section 48.1(f) of the Illinois Banking Act, Ill. Rev. Stat. 1989, ch. 17, par. 360(f) and Section 5-11 of the Corporate Fiduciary Act, Ill. Rev. Stat. 1989, ch. 17, par. 1555-11).

(Source: Amended at 14 Ill. Reg. 11183 effective July 15, 1990)

Section 356.20 Rates of Reimbursement

- a) Personnel costs incurred in locating, retrieving, reproducing and preparing financial records shall be reimbursed at the rate of \$15.00 per hour per person.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ADOPTED AMENDMENT

- b) Reproduction costs incurred in making photocopies of documents shall be reimbursed at 25 cents per exposure. Reproductions of microfilm, microfiche, photographs, films and other materials shall be reimbursed at actual cost.
- c) Transportation costs incurred in transporting bank personnel to locate and retrieve material, and to convey the material to the place of examination shall be reimbursed at the rate of 25 1/2 cents per mile or if a mail or courier service is used, at the actual cost of such service.
- d) All other costs, including, but not limited to telephone calls, telegrams and shipping costs, incurred in searching for, reproducing and transporting data pursuant to a request for financial records shall be reimbursed at actual cost.

(Source: Amended at 14 Ill. Reg. 11183 effective July 15, 1990)

Section 356.30 Documentation of Costs

The bank or corporate fiduciary shall provide to the person requesting such records an itemized invoice indicating in specific detail the costs for:

- a) personnel;
b) reproduction;
c) transportation; and
d) all other costs incurred in searching for, reproducing and transporting data pursuant to a request for financial records.

(Source: Amended at 14 Ill. Reg. 11183 effective July 15, 1990)

Section 356.40 Payment of Costs

At the bank's or corporate fiduciary's option, it may prepare one or more reasonable estimates of the ultimate reimbursement of costs associated with a search for financial records in the form prescribed in Section 356.30 of this Part and require one or more partial payments before proceeding with the work of locating and reproducing the requested documents. Delivery of

COMMISSIONER OF BANKS AND TRUST COMPANIES

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the requested documents may be delayed until final reimbursement of all costs is received.

(Source: Amended at 14 Ill. Reg. 11183 _____,
effective July 15, 1990)

ILLINOIS REGISTER

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ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

1) The Heading of the Part: Energy Assistance

2) Code Citation: 83 Ill. Adm. Code 281

3) Section Numbers: Adopted Action:

281.10 Repealed
281.15 Repealed
281.20 Repealed
281.22 Repealed
281.25 Repealed
281.30 Repealed
281.32 Repealed
281.35 Repealed
281.45 Repealed
281.50 Repealed
281.60 Repealed
281.70 Repealed
281.80 Repealed
281.90 Repealed
281.95 Repealed
281.100 Repealed
281.EXHIBIT A Repealed
281.EXHIBIT D Repealed
281.EXHIBIT E Repealed
281.EXHIBIT F Repealed
281.EXHIBIT G Repealed
281.EXHIBIT H Repealed
281.APPENDIX A

4) Statutory Authority: Implementing Sections 4.1 and 5, and authorized by Sections 4.1 and 6 of the Energy Assistance Act (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 1304.1, 1305, and 1306 and Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 10-101.).

5) Effective Date of Repealer: July 15, 1990

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this repealer contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 27, 1990

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ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 9) Notice of Proposal Published in Illinois Register:
March 23, 1990, at 14 Ill. Reg. 4312.
- 10) Has JCAR issued a Statement of Objections to this repealer?
No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
None required.
- 13) Will this repealer replace an emergency repealer currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Repealer: 83 Ill. Adm. Code 281, "Energy Assistance," contains the Commission's rules implementing the Energy Assistance Act. Due to the operation of Section 4.1(3) of the Energy Assistance Act, added by P.A. 86-127, no assistance has been provided pursuant to the Energy Assistance Act since October 31, 1989. As of November 1, 1989, the Department of Commerce and Community Affairs has administered the State's low-income energy assistance program.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-8439

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DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life
- 2) CODE CITATION: 17 Ill. Adm. Code 870
- 3) SECTION NUMBERS:
870.80
ADOPTED ACTION:
New Section
- 4) STATUTORY AUTHORITY: Implementing and authorized by Section 1.3b, 1.5, 1.10, 3.20, 3.21 and 5.16 of the Fish Code of 1971 (Ill. Rev. Stat. 1989, ch. 56, pars. 1.3b, 1.5, 1.10, 3.20, 3.21 and 5.16).
- 5) EFFECTIVE DATE OF AMENDMENTS: June 29, 1990
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 26, 1990
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 16, 1990, 14 Ill. Reg. 3717
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:
In the Authority Note, the reference to "Ill. Rev. Stat." was updated to "1989".
The Section Source Note was changed to read "added".
In Section 870.80, "(e.g., Rusty Crayfish and Zebra Mussel)" was added after "injurious species".
Following "Department of Conservation", "based upon the potential threat to indigenous aquatic life of the habitat" was added.
After the words "aquarium industry", "(those businesses regulated by the Department of Agriculture under the Animal Welfare Act, Ill. Rev. Stat. 1989, ch. 8, par. 301 et seq.)" was added.
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

1119190ILLINOIS REGISTER1119290

DEPARTMENT OF CONSERVATIONNOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 870
AQUACULTURE, TRANSPORTATION, STOCKING, IMPORTATION
AND/OR POSSESSION OF AQUATIC LIFE

Section	
870.10	Aquatic Life Approved Species
870.20	Aquaculture Permit Application Requirements
870.30	Aquaculture Facility Requirements
870.40	Aquaculture Operational Rules
870.50	Unlawful Acts
870.60	Restricted Species Transportation Permit Procedures
870.70	Penalties
870.80	Exceptions

AUTHORITY: Implementing and authorized by Section 1.3b, 1.5, 1.10, 3.20, 3.21 and 5.16 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 1.3b, 1.5, 1.10, 3.20, 3.21 and 5.16)

SOURCE: Adopted July 12, 1974; effective July 24, 1974; codified at 5 Ill. Reg. 10649, amended at 7 Ill. Reg. 14947, effective November 1, 1983; amended at 10 Ill. Reg. 963, effective January 7, 1986; Part repealed, New Part adopted at 13 Ill. Reg. 10503, effective June 20, 1989; amended at 14 Ill. Reg. 11190, effective June 29, 1990.

Section 870.80 Exceptions

Except in the case of injurious species (e.g., Rusty Crayfish and Zebra Mussel) as determined by the Department of Conservation, based upon the potential threat to indigenous aquatic life or the habitat, this Part does not apply to the aquarium industry (those businesses regulated by the Department of Agriculture under the Animal Welfare Act, Ill. Rev. Stat. 1989, ch. 8, par. 301 et seq.) or State agencies or universities, so long as they are operating in a manner which will prevent escapement into the waters standing on or flowing over the soil of the State of Illinois.

(Source: Added at 14 Ill. Reg. 11190, effective June 29, 1990)

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DEPARTMENT OF CONSERVATIONNOTICE OF ADOPTED AMENDMENTS

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: This Section added language that will exempt the aquarium industry, State agencies and universities from the provisions of this Part, so long as they are operating in a manner which will prevent escapement into the waters standing on or flowing over the soil of the State of Illinois.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Dove Hunting
- 2) CODE CITATION: 17 Ill. Adm. Code 730
- 3) SECTION NUMBERS:
- | | |
|--------|------------------------|
| 730.20 | <u>ADOPTED ACTION:</u> |
| 730.30 | Amendments |
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5).
- 5) EFFECTIVE DATE OF AMENDMENTS: June 29, 1990
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 26, 1990
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 16, 1990, 14 Ill. Reg. 3743
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

All references to the "Ill. Rev. Stat." were updated to the "1989" version.

In Section 730.20(c), "Mississippi River Pools 25, 26", "at these locations and elsewhere" was removed.

In Section 730.20(c), "Ten Mile Creek", "to the District Wildlife Manager, P.O. Box 313, Olney, IL 62450" was added at the end of the paragraph.

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

- 15) SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this

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NOTICE OF ADOPTED AMENDMENTS

Part are based upon biological surveys and data analyses which have resulted in the determination that modifications to the dove hunting regulations are necessary to maintain and manage healthy populations of doves.

These amendments include expanding/modifying/decreasing dove hunting programs on state-owned or managed sites as recommended following evaluation of site specific resources and clarification of the permit issuance process.

- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFEPART 730
DOVE HUNTING

Section

730.10 Statewide Regulations
730.20 Regulations at Various Department-Owned or -Managed Sites
730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984, amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990.

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) General Regulations

1) Hunters shall use only steel shot size 6 or smaller on the following areas:

Anderson Lake Conservation Area

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Banner Marsh Fish and Wildlife Area

Carlyle Lake Wildlife Management Area
(subimpoundments only)

Chain O'Lakes State Park

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

Kaskaskia River State Fish and Wildlife Area
(steel shot in designated areas only)

Rend Lake

Sanganois Conservation Area

Shabbona State Park

Snake Den Hollow State Fish and Wildlife Area

Union County Refuge Conservation Area

Wayne Fitzgerald State Recreation Area

2) Hunters shall use only shot size 7 1/2, 8 or 9 lead or 6 steel or smaller on all areas, except as noted under subsection (b)(1).

c) Statewide season regulations as provided for in this rule shall apply at the following areas (exceptions are in parentheses):

AMAX Leased Lands

Anderson Lake Conservation Area (5:00 p.m. closing September 1 through Labor Day, statewide closing thereafter)

Argyle Lake State Park (5:00 p.m. closing September 1 through Labor Day; statewide closing thereafter)

Banner Marsh State Fish and Wildlife Area (September 1 - 30; 5:00 p.m. closing September 1 through Labor day; statewide closing thereafter)

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Big Bend Conservation Area (5:00 p.m. closing September 1 through Labor Day; statewide closing thereafter)

Big River State Forest (5:00 p.m. September 1 through Labor Day; statewide closing thereafter)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area

Chain O'Lakes State Park (September 1 - 10, 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of Department of Conservation (Department or DOC) marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas; DOC issued back patch must be worn while hunting)

Clinton Lake State Park (No hunting within 100 yards of dove management units; dove management units only, September 1 - 5, 5:00 p.m. closings; daily quota filled by drawing at designated units at 11:00 a.m.)

Crawford County Conservation Area (5:00 p.m. closing, September 1 - 30; statewide regulations thereafter)

Des Plaines Conservation Area (September 9, 10, 16, 17, 23 and 24, 9, 15, 16, 22, 23, 29 and 30; 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas; DOC issued back patch must be worn while hunting)

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and West of Peppenhorst Branch)

Ferne Clyffe State Park

Ft. de Chartres State Historic Site (hunting with muzzle-loading shotgun only)

Ft. Massac State Park (5:00 p.m. closing)

Fox Ridge State Park (Dove Management Units only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at designated units at 11:00 a.m.)

Giant City State Park (September 1 - 5; 5:00 p.m. closing; statewide regulations thereafter)

Green River State Wildlife Area (Lee County Conservation Area) (September 6-October 30; season closed during dog field trials; 5 p.m. closing)

Hamilton County Conservation Area (5:00 p.m. closing)

Heidecke Lake State Fish and Wildlife Area (September 1 - 5, 5:00 p.m. closing; September 6 - 15 statewide hours; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas)

Hennepin Canal Parkway State Park (September 1 - 10, and on Saturdays, Sundays and Wednesdays from September 11 - 30, 5:00 p.m. closing)

Hidden Springs State Forest (Dove management units only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at designated units at 11:00 a.m.)

Horseshoe Lake Conservation Area - Alexander County

Horseshoe Lake State Park - Madison County (September 1 - 30, 5:00 p.m. closing)

I-24 Area (opening day, Wednesday, Saturday and Sunday only, 5 p.m. closing)

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Iroquois County Conservation Area (September 1 - 7, 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; after September 7, statewide hours and seasons apply; hunting permitted only in designated areas; DOC issued back patch required September 1 - 7)

Johnson Sauk Trail State Park (September 1 - 15, except closed Saturday and Sunday of Labor Day weekend, 5:00 p.m. closing)

Jubilee College State Park (September 1 - 21 on Wednesdays, Saturdays, Sundays and holidays, 5:00 p.m. closing)

Kankakee River State Park (September 6 - 30, daily quota filled on first-come, first-serve basis; hunters must check in and check out; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line)

Kaskaskia River State Fish and Wildlife Area (Hunting allowed on designated areas on odd number dates only during first 2-weekweek of season then everyday thereafter; steel shot size 6 or smaller only; 5:00 p.m. closing)

Kickapoo State Park (Hunters must check in and check out)

Lake Kinkaid Fish and Wildlife Area

Lake Le-Aqua-Na State Park (September 1 - 15 except closed Saturday and Sunday of Labor Day weekend; 5:00 p.m. closing)

Lake Shelbyville-Kaskaskia and West Okaw Fish and Wildlife Areas (dove management areas only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at 11:00 a.m. daily; statewide regulations apply to the rest of the site except no hunting within 300 yards of dove management areas)

Little Black Slough State Natural Area

Lower Cache River State Natural Area

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Mackinaw River State Fish and Wildlife Area (September 1 - 30; 5 p.m. closing)

Marssilles Fish and Wildlife Area (open September 1 - 8, Monday through Thursday thereafter, 5:00 p.m. closing) (September 1 through the 1st Thursday after Labor Day, 5:00 p.m. closing; Monday through Thursday, thereafter statewide hours)

Marshall State Fish and Wildlife Area

Matthiessen State Park (September 1 - 15 on opening day, holidays, Wednesdays, Saturdays and Sundays except closed the Saturday and Sunday of Labor Day weekend, 5:00 p.m. closing)

Mazonia State Fish and Wildlife Area (September 1 - two weeks before duck season)

Mermet Lake Conservation Area (opening day, Wednesday, Saturday and Sunday only, 5:00 p.m. closing; daily hunter quota 30 hunters, filled on a first-come, first-serve basis)

Middle Fork State Fish and Wildlife Area (September 1 - 7, 5:00 p.m. closing; daily quota filled by drawing at site 11:00 daily, registration begins at 10:00 a.m.; after September 7, statewide regulations apply; at all times, hunters must maintain 20 yard spacing and hunt in designated areas only)

Mississippi River Pools 16, 17, 18, 21, 22, 24

Mississippi River Pools 25, 26 (September 1 - 30) (at Red's Landing, Rip Rap Landing, Stump Lake, Hadley Landing, Michael and Calhoun Point, noon - 5:00 p.m. from September 1 - 5, thereafter noon - sunset)

Moraine View State Park September 1 - 7, 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; after September 7 statewide hours and seasons apply, hunters must check in and check out; at all times, hunters must wear DOC issued back patch and hunt in designated areas only)

Morrison-Rockwood State Park (September 1 - 15 except closed Saturday and Sunday of Labor Day weekend; 5:00 p.m. closing)

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Mt. Vernon Game Farm (5:00 p.m. closing; Wednesday, Saturday and Sunday only)

Panther Creek Conservation Area

Pike County Conservation Area (noon - 5:00 p.m. all season; hunting by staked sites only)

Pyramid State Park (5:00 p.m. closing)

Railsplitter State Park (September 6 - 17; hunter quota to be filled on a first-come basis; hunters must hunt from within 10 feet of a hunter stake; no shooting except in the direction of the assigned fields)

Ramsey Lake State Park (5:00 p.m. closing)

Randolph County Conservation Area (5:00 p.m. closing; September 1-5; statewide regulations apply thereafter)

Red Hills State Park (5:00 p.m. closing; Wednesday, Saturday and Sunday only September 1 - 30; statewide regulations apply daily thereafter)

Rend Lake Wildlife Management Area (5:00 p.m. closing)

Rockhouse Creek (Monroe County)

Saline County Conservation Area (5:00 p.m. closing)

Sam Dale Lake Conservation Area (5:00 p.m. closing)

Sam Parr State Park (5:00 p.m. closing September 1 - 30; statewide regulations apply thereafter)

Sand Ridge State Forest (September 6 - October 30)

Sangamon County Conservation Area

Sanganosis Conservation Area (5:00 p.m. closing September 1 - 5; statewide regulations apply thereafter; hunter quota to be filled on a first-come basis)

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Sangchris Lake State Park (September 6 - 30)

Shabbona State Park (September 1 - 15, 5:00 p.m. closing)

Siloam Springs State Park (noon - 5:00 p.m. all season; hunting by staked hunting sites only)

Silver Springs State Park (September 6 - 30; check in and check out required; hunters must hunt planted dove fields only; hunters must hunt within 10 feet of Department marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when entering and leaving hunting area; no hunting on days designated for National Hunting and Fishing Day activities)

Snake Den Hollow State Fish and Wildlife Area (September 1 - 30; 5:00 p.m. closing through Labor Day, statewide closing thereafter)

Stephen A. Forbes State Park (5:00 p.m. closing)

Tapley Woods State Natural Area

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; parking card must be displayed on dashboard of vehicle; permit must be returned by February 15 to the District Wildlife Manager, P.O. Box 313, Olney, IL 62450)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area (5:00 p.m. closing)

Union County Conservation Area (September 1-5; 5:00 p.m. closing; statewide regulations thereafter)

Washington County Conservation Area

Wayne Fitzgerald State Park Recreation Area (closed September 2-4 - 3 and during horseback field trials; 5:00 p.m. closing)

Weinberg-King State Park (5:00 p.m. closing)

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Wildcat Hollow State Forest

- d) Statewide regulations as provided in this Part apply at the following sites with exceptions noted in parentheses. In addition, hunters must obtain a free permit from site office. Permits are not transferable and must be in possession while hunting. The permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following year.

Eagle Creek State Park (September 15 - October 30)

Fox Ridge State Park (does not apply in dove management units as noted in Section 730.20(c))

Hidden Springs State Forest (does not apply in dove management units as noted in Section 730.20(c))

Lake Shelbyville Eagle Creek Wildlife Management Area

e) Permit areas

- 1) Permit season dates shall be September 1 - 5 at the following sites, hunting hours shall be from Noon to 5:00 p.m. (exceptions in parentheses):

Des Plaines Conservation Area (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; guns must be unloaded when walking to and from hunting area)

Green River State Wildlife Area (Lee County Conservation Area)

Kankakee River State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; hunting hours September 4 and 5 will be noon to sunset)

Railsplitter State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into

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dove field beyond shooting line; no shooting except in direction of assigned fields)

Sand Ridge State Forest

Sangchris Lake State Park (Hunters must hunt assigned fields only; field 2 accessible by boat only; hunters must hunt within 10 feet of marked sites; no gun may be carried onto dove field beyond shooting line; it is unlawful to move stakes or markers)

Silver Springs State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; guns must be unloaded when walking to and from hunting area; hunting hours September 4 - 5 will be noon to sunset)

2) Permit Applications

Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to two reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

- 3) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting at these sites. All permits will be issued from Springfield and not from the area.

- 4) Check-in time for registration shall be between 9:00 a.m. and 11:00 a.m. Openings after 11:00 a.m. will be filled on a first-come basis, or by a daily drawing if there are more stand-by hunters than openings available.

- 5) All hunters must wear a back patch.

- 6) Shot size to be used is 7 1/2, 8 or 9 lead or 6 steel or smaller.

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- 7) Each applicant shall apply for only one area and receive one permit per year. An applicant may reapply only if his previous application was unsuccessful.

(Source: Amended at 14 Ill. Reg. 11193, effective June 29, 1990)

Section 730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

- a) A one-day Youth Dove Hunt will be held on the first Saturday of the season, at the following sites:

~~Banner Marsh Fish and Wildlife Area~~

Horseshoe Lake State Park

Kankakee River State Park

~~Middle Fork Fish and Wildlife Area~~

~~Mt. Vernon Game Farm~~

Ramsey Lake State Park

Sangchris Lake State Park

Silver Springs State Park

Stephen A. Forbes State Park

- b) A one-day youth/adult dove hunt will be held on the first Saturday of the season, where both the youth and adult will be permitted to hunt at the following sites:

Mackinaw River State Fish and Wildlife Area

~~Mt. Vernon Game Farm~~

Sam Parr State Park

- c) Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:30 a.m.

- d) Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per

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10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; and the number of employees available to work at the site.

- e) All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.

- f) Applicants must be between the ages of 10 and 15 inclusive, with a valid Illinois hunting license.

- g) Each youth must be accompanied by a supervising adult. If the hunter does not have a valid Firearm Owner's Identification (F.O.I.D.) Card, the supervising adult is required to have a F.O.I.D. Card. Only one supervising adult in a hunting party is required to have a valid F.O.I.D. Card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid F.O.I.D. Card. All adult hunters must have a valid F.O.I.D. card.

- h) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to two reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

- (i) Shot size to be used is 7 1/2, 8 or 9 lead or 6 steel or smaller, ~~except Banner Marsh, where #6 or smaller steel shot must be used.~~

(Source: Amended at 14 Ill. Reg. 11193, effective June 29, 1990)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Woodcock, Snipe, Rail, and Teal Hunting
- 2) CODE CITATION: 17 Ill. Adm. Code 740
- 3) SECTION NUMBERS:
740.10
740.20
ADOPTED ACTION:
Amendments
Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) and Migratory Bird Hunting (50 CFR 20, August 25, 1987).
- 5) EFFECTIVE DATE OF AMENDMENTS: June 29, 1990
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 26, 1990
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 16, 1990, 14 Ill. Reg. 3802
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In the Authority Note, "of Illinois" was removed.

All references to "Ill. Rev. Stat." were updated to the "1989" version.

In Section 740.10(c), the statutory citation was removed.

In Section 740.10(h)(a)(A), a space was inserted between the "o" and "D" in "Jo Davies".

Section 740.10(h)(5), a comma was inserted after the word "Lake".

In Section 740.20(b), "Ten Mile Creek", "to the District Wildlife Manager, P.O. Box 313, Olney, IL 62450" was inserted at the end of the paragraph.

In Section 740.30(d), "Ten Mile Creek", "to the District

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Wildlife Manager, P.O. Box 313, Olney, IL 62450" was inserted at the end of the paragraph.

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS:
The amendments to this Part were based upon biological surveys and data analyses which have resulted in the determination that modifications to woodchuck, snipe, rail and teal hunting regulations are necessary to maintain and manage healthy populations of such migratory species.
The changes include expanding/modifying/decreasing hunting programs on state-owned or managed sites, updating non-toxic shot zones as agreed upon by the State and U.S. Fish and Wildlife Service and updating season dates.
- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFEPART 740
WOODCOCK, SNIPE, RAIL, AND TEAL HUNTINGSection
740.10
740.20Statewide Regulations
Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. ~~1987~~1989, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982, amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984, amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990.

Section 740.10 Statewide Regulations

a) Woodcock, snipe and rail regulations are in accordance with Federal Regulations (50 CFR 20, effective August 25, 1987) (no incorporation in this Part includes later amendments or editions) unless the regulations in this Part are more restrictive.

b) All persons in the field during the firearm deer season, hunting common snipe, rail and woodcock, in those counties for which an open season is established for the taking of deer by firearm, shall wear the same blaze orange clothing required for deer hunting pursuant to Section 2.26 of the Wildlife Code (Ill. Rev. Stat. ~~1987~~1989, ch. 61, par. 2.26).

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c) The regulations in Section 2.33 of the Wildlife Code (~~Ill. Rev. Stat. 1987, ch. 61, par. 2.33~~) on illegal devices shall apply to this Part, unless federal regulations are more restrictive.

d) Woodcock

1) Hunting dates: October 1 - December 4

2) Hunting hours: Sunrise to Sunset

3) Daily limit: 5

4) Possession limit: 10 after the 1st hunting day

e) Snipe (Common)

1) Hunting dates: September ~~21~~ - December ~~17~~16

2) Hunting hours: Sunrise to Sunset

3) Daily limit: 8

4) Possession limit: 16 after the 1st hunting day

f) Rail (Sora and Virginia)

1) Hunting dates: September ~~21~~ - November ~~10~~9

2) Hunting hours: Sunrise to Sunset

3) Daily limit: 25

4) Possession limit: 25

g) Teal

1) Teal regulations are in accordance with Federal Regulations, (50 CFR 20.103, effective August 25, 1987; 50 CFR 20.104, effective August 25, 1987; 50 CFR 20.105, effective August 25, 1987; 50 CFR 20.106, effective August 25, 1987; and 50 CFR 20.109, effective August 25, 1987), unless the regulations in this Part are more restrictive.

2) It shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be

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provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20, effective August 25, 1987) (collectively referred to in this Part as federal regulations), or contrary to any state regulations made in the Wildlife Code.

3) It shall be unlawful while attempting to take migratory waterfowl to have in possession any shotgun shells prohibited by federal regulations. Sites covered by these regulations are as stated in the federal regulations or they are listed under Section 740.20 of this Part.

4) Shooting hours are 7:00 a.m. - 4:00 p.m.

5) Baiting with corn, grain or other feed is prohibited.

h) Steel Shot Regulations

Only steel shot may be used for hunting teal, snipe and rail in the following non-toxic shot zones:

1) Mississippi River and adjacent areas in the following counties bordered by the roads and/or lines indicated below:

A) All of Alexander, Calhoun, Carroll, Hancock, Henderson, Jackson, Jersey, Jo Daviess, Madison, Mercer, Monroe, Pike, Randolph, Rock Island, St. Clair, and Union and Whiteside Counties.

B) Adams County: IL-96 (Lima), County Highway (Hwy) 41, County Hwy-7, County Hwy-8, and Lock and Dam 20. The Mark Twain National Wildlife Refuge, Bear Creek Unit is also a nontoxic shot zone.

C) Hancock County: ~~(Dallas City), IL-9/967 IL-96/US-136, and IL-96.~~

D) Henry County: I-80 and I-74/280.

E) ~~Jo Daviess County: IL-35 (East Dubuque)~~

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US-20, IL-84/US-20, and IL-84.

F) ~~Mercer County: Railroad Bridge (Keithsburg) County Hwy-16, and County Hwy-25.~~

G) ~~Whiteside County: IL-84 (north), IL-136/Fulton Road, County Hwy-21/Frog Pond Road, Garden Plain Road, County Hwy-21/Sand Road, and IL-5.~~

2) Illinois River and adjacent areas in the following counties bordered by the roads and/or lines indicated below:

A) All of Bureau, Calhoun, Cass, Fulton, Greene, Grundy, Jersey, Marshall, Mason, Peoria, Pike, Putnam, Tazewell and Woodford Counties.

B) Brown County: County Hwy-3/Federal Aid Secondary Route (FAS) 582, FAS-582, County Hwy-12, and IL-99.

C) Bureau County: IL-89 (Spring Valley), IL-6/89, IL-29, and IL-26/29, and IL-29.

D) Greene County: Kampsville Ferry Route, IL-108, and Federal Aid Primary Route (FAP) 155 (south).

E) Morgan County: IL-104 (Meredosia) and IL-100/US-67.

F) Schuyler County: IL-100 (Bluff City) IL-103, and County Hwy-9.

G) Tazewell County: IL-26, IL-116, IL-116/US-150, IL-8/116, IL-29, IL-9/29, IL-29, FAS-461, and County Hwy-16.

3) Southern Goose Quota Zone

All of Alexander, Jackson, Union and Williamson Counties.

4) Rend Lake Goose Quota Zone

All of Jefferson and Franklin Counties.

5) Other Areas

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All of Bond, Christian, Clinton, Coles, Cook, DuPage, Fayette, Kane, Kendall, Lake, and McHenry, Moultrie, Perry, Will and Winnebago Counties.

(Source: Amended at 14 Ill. Reg. 11207, effective June 29, 1990)

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive.
- b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

AMAX Leased Lands

Anderson Lake Conservation Area (closed 7 days before waterfowl season)

Big Bend Conservation Area

Big River State Forest

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (closes 3 days before waterfowl season in subimpoundment area)

Clinton Lake State Recreation Area

Crawford County Conservation Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

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Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Public Hunting Area (Alexander County) - north of Route 3

I-24 Wildlife Management Area

Iroquois County Conservation Area (closes the day before permit pheasant season; 8:00 a.m. to 4:00 p.m.; hunters must check out and report harvest)

Jubilee College State Park (closed 1st weekend -- Saturday and Sunday of October; legal opening to 4:00 p.m.)

Kankakee River State Park (October 1 - day before pheasant season; 9:00 a.m. - 3:00 p.m.; hunters must check in; check out required within 15 minutes of completing hunt; DOC issued back patch must be worn while hunting; during pheasant season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110, Upland Hunting, which pertain to Kankakee River State Park; no snipe or rail hunting)

Kaskaskia River Fish and Wildlife Area (closes 3 days before waterfowl season in Doza Creek Waterfowl Management Area)

Kickapoo State Park (8:00 a.m. to 4:00 p.m.; closed during firearm deer season; no snipe or rail hunting)

Kidd Lake State Natural Area (no permanent blinds allowed)

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area

Little Black Slough State Natural Area

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Lower Cache River State Natural Area

Marsilles (closed Fridays, Saturdays and Sundays through October 30; no rail or snipe hunting)

Middle Fork Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.; closed during firearm deer season; no snipe or rail hunting)

Mississippi River Pools 21, 22, 24, 25 and 26

Mississippi River Pools 16, 17, and 18

Moraine View State Park (closes on day before permit pheasant season; 8:00 a.m. to 4:00 p.m.)

Panther Creek Conservation Area

Pike County Conservation Area (all hunting closes November 30 in Area A)

Pyramid State Park

Randolph County Conservation Area (no rail hunting)

Ramsey Lake State Park

Red Hills (8:00 a.m. - 4:00 p.m.)

Rend Lake Wildlife Management Area

Rice Lake (steel shot only; during teal season only, hours are sunrise until noon; no woodcock hunting)

Rockhouse Creek (Monroe County)

Saline County Conservation Area (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)

Sam Dale Lake Conservation Area (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)

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Sand Ridge State Forest (During the controlled quail and pheasant hunting season, woodcock and snipe hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 - Upland Hunting - which pertain to Sand Ridge State Forest; no rail or teal hunting)

Sangamon County Conservation Area

Sanganois Conservation Area

Shawnee National Forest, LaRue Scatters (closes at noon)

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir west of Big Muddy Levee, closes at noon)

Site M (open weekends only as publicly announced by the Department in the news media; no rail hunting)

Stephen Forbes State Park

Tapley Woods State Natural Area (closed during firearm deer season)

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; parking card must be displayed on dashboard of vehicle; permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney, IL 62450).

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area (no rail hunting)

Weinberg-King State Park

Wildcat Hollow State Forest

c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the

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following year.

Eagle Creek State Park (snipe and rail hunting after September 15 only)

Fox Ridge State Park

Hidden Springs State Forest (no hunting during firearm deer season)

Lake Shelbyville Eagle Creek Wildlife Management Area

- d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area

Campbell Pond Wildlife Management Area

Chain O'Lakes State Park (Hunting is allowed only from numbered blind sites. The blinds need not be completed and blind-claiming privileges ~~do not apply as specified in 17 Ill. Adm. Code 590.30(f)~~)

Carlyle Lake Wildlife Management Area

Des Plaines Conservation Area (Des Plaines River Waterfowl Area only; blind claiming privileges do not apply as specified in 17 Ill. Adm. Code 590.30(f) and 590.50(b); hunting from numbered blind sites only; blinds do not have to be completed)

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch only)

Ft. de Chartres Historic Site (see site specific regulations of Section 590.60(b))

Kaskaskia River Fish and Wildlife Area

Lake Shelbyville Fish and Wildlife Area

Lake Sinissippi Conservation Area

Little Black Slough State Natural Area

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Lower Cache River State Natural Area

Marshall State Fish and Wildlife Area (Spring Branch Unit & Sparland Unit)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26

Rend Lake Wildlife Management Area (no permanent blinds allowed)

Rice Lake Conservation Area (sunrise until 12:00 Noon)

Sanganois Conservation Area

Savanna Ordnance Depot (hunting is allowed only from blind sites)

Shawnee National Forest, Bluff Lakes

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; parking card must be displayed on dashboard of vehicle; permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney, IL 62450)

Union County Public Hunting Area

Woodford County Conservation Area

(Source: Amended at 14 Ill. Reg. 11207, effective June 29, 1990)

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5. In Section 630.20(b)(1)(C) line 6, the first letter of "Subsections" has been placed in lower case.
6. In Section 630.20(d)(2)(A) the table has been indented correctly and the single sentence has been added to the preceding paragraph.
7. In Section 630.20(d)(2)(H), line 6, the first letter in "part" has been capitalized.
8. In Section 630.20(f) the unlabeled paragraphs have been made into one paragraph and the statutory citations have been corrected. The short title and citation have been added.
9. In Section 630.30 line 4 the term ACOG has been spelled out and the reference corrected.
10. Section 630.30(b)(4)(C) has been changed to read "Delivery and/or referral of the baby to the appropriate level facility within the perinatal system by a qualified professional in a facility that has services needed to manage medical emergencies of the mother and/or newborn, or has ready access to such services."
11. In Section 630.40(a)(3) the heading of the Part referenced has been corrected, along with the code citation.
12. In Section 630.60(a)(2) the subsection labels have been placed in separate parentheses.
13. In Section 630.60(a)(4) the information in the parentheses in line 2 has been deleted.
14. In Section 630.70 the definitions have been placed in alphabetical order. Changes have been made in the definition of "Equipment": the Section of the Act has been specified; the long title of the Act has been placed in quotation marks, An Act appears in all upper case and the statutory citation has been corrected.
15. In Section 630.100(a)(1), the abbreviation U.S.A. has been changed to U.S.C.
16. In Section 630.100(a)(6) the address has been moved to the left 1/2 inch.
17. Section 630.200(c)(13) has been relabeled as suggested.
18. Section 630.200(e)(9) all citations have been added.
19. The Appendix E is a copy of a form utilized as a grant

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- application. Therefore, the citation cannot be changed. Where the forms are reprinted the citation will be corrected.
20. Subparts have been added to the Table of Contents and Text of Rules.
 21. Section 630.10(b)(3)(G), the Department added the following language: "G) Prenatal and Newborn Care Act (P.A. 86-861, effective January 1, 1990)."

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. To delete the text "From time to time the Department may award to selected grantees up to five percent of this portion for MCH projects which have statewide, regional, or local significance." from Section 630.20(a)(2).
2. To add after "(RFP)" the following: "which shall be approximately ten weeks from the date of request" in Section 630.20(b)(2)(A).
3. In Section 630.20(b)(2)(C) to delete "Any items beyond the minimum will be described in the RFP." and add after "Form" the following: "Such items include but are not limited to linkages with other community resources, parental involvement in the program, matching fund requirements, and special budgetary justification."
4. To change the text of Section 630.20(d)(2) to read "Reimbursement Certification Form" rather than "Certificate for Project Billing Form."
5. To delete the text "Failure to comply with the following schedule will be documented and considered in future funding requests." from Section 630.20(d)(2)(A).
6. To make the following changes to its rulemaking:
In Section 630.30, the Department will replace "identified by the American College of Obstetrics and Gynecology, Family Planning Services Code (77 Ill. Adm. Code 635.90), Perinatal and Hospital Licensing Standards (Chapter XV) (See Section 630.80(a)(5))." with "the standards of the American College of Obstetrics and Gynecology set forth in Section 630.80(a)(5), Family Planning Services Code (77 Ill. Adm. Code 635.90), Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640), and Hospital Licensing Requirements (77 Ill. Adm. Code 250.1810-1860) (See Section 630.80(a)(5))."

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In Section 630.40, the Department will replace "American Academy of Pediatrics and Perinatal Standards." with "the standards of the American Academy of Pediatrics set forth in Section 630.80(a)(5), and Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640)."

In Section 630.50, the Department will replace "American Academy of Pediatrics or Centers for Disease Control Standards." with the standards of the American Academy of Pediatrics set forth in Section 630.80(a)(5)."

7. To add "(77 Ill. Adm. Code 640.20)" at the end of the definition of "High Risk" in Section 630.70.

8. To add the following text as a new Section 630.25 which will be entitled "Incorporated Materials":

Section 630.25 Incorporated Materials

The following are standards incorporated or referenced in this Part:

a) Codes and Standards

- 1) Accreditation Manual for Hospitals (1990)
Joint Commission on Accreditation of Health Care Organizations
875 North Michigan Avenue
Chicago, Illinois 60611
- 2) Hospital Care of Children and Youth (1986)
American Academy of Pediatrics
141 Northwest Point Blvd.
P.O. Box 927
Elk Grove Village, Illinois 60009-0927
- 3) Guidelines for Perinatal Care (1988)
American Academy of Pediatrics
141 Northwest Point Blvd.
P.O. Box 927
Elk Grove Village, Illinois 60009-0927
- American College of Obstetrics and Gynecologists
409 12th Street S.W.
Washington, D.C. 20024-2188
- March of Dimes
1275 Mamaroneck Avenue

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White Plains, NY 20024-2188

4) Towards Improving the Outcome of Pregnancy (1977)
The National Foundation - March of Dimes
Committee on Perinatal Health
1275 Mamaroneck Avenue
White Plains, NY 20024-2188

5) Standards of Child Health Care (1977)
Council on Pediatric Practice
American Academy of Pediatrics
141 Northwest Point Blvd.
P.O. Box 927
Elk Grove Village, Illinois 60009-0927

6) Standards for Obstetric - Gynecologic Services
American College of Obstetricians and Gynecologists
6th edition
1985
409 12th Street S.W.
Washington, D.C. 20024-2188

7) School Health: A Guide for Health Professionals
(1987)
American Academy of Pediatrics
141 Northwest Point Blvd.
P.O. Box 927
Elk Grove Village, Illinois 60009-0927

8) Standard of Maternal and Child Health Nursing
Practice (1983)
American Nursing Association
2420 Pershing Road
Kansas City, MO 64108

9) A Statement on the Scope of Maternal and Child
Health Nursing Practice (1980)
American Nursing Association
2420 Pershing Road
Kansas City, MO 64108

10) Standard of Practice for the Perinatal Nurse
Specialist (1984)
American Nursing Association
2420 Pershing Road
Kansas City, MO 64108

11) Standard of Community Health Nursing Practice (1986)

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American Nursing Association
2420 Pershing Road
Kansas City, MO 64108

- 12) Definition and Role of Public Health Nursing in the Delivery of Health Care (1980)
American Public Health Association
1015 Fifteenth Street N.W.
Washington, D.C. 20005

b) Federal Guidelines, Statutes and Regulations

- 1) Rehabilitation Act of 1973 (See Section 630.200(e)(9))
 - 2) Title IX of the Education Amendments of 1972 (See Section 630.200(e)(9))
 - 3) Age Discrimination Act of 1975 (See Section 630.200(e)(9))
 - 4) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) (See Section 630.200(e)(9))
 - 5) Title V of the Social Security Act of 1935 (42 U.S.C. 701 et seq.) (See Section 630.10(a), 630.20(a)(4), 630.100(a)(1))
 - 6) Section 1861(v) of the Social Security Act (42 U.S.C. 1395v) (See Section 630.190)
 - 7) Section 1122 of the Social Security Act (42 U.S.C. 1320a) (See Section 630.190)
 - 8) Maternal and Child Health (MCH) Services Block Grant Act of 1981 (P.L. 97-35; Sec. 2191 et seq.) (See Section 630.10(a))
 - 9) Section 624 of the Economic Opportunity Act of 1964 (See Section 630.20(b)(1)(A))
 - 10) Single Audit Act of 1984 (31 U.S.C. 7501 et seq.) (See Section 630.20(f))
 - 11) 42 CFR 50.201 (1990) (See Section 630.180(b))
- c) State of Illinois Statutes
- 1) AN ACT relating to the prevention of developmental

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- disabilities (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 2102 et seq.) (See Section 630.10(b))
- 2) AN ACT concerning the disease of phenylketonuria and other metabolic diseases, designating certain powers and duties in relation thereto, providing penalties for violation thereof, to repeal an Act therein named and to make an appropriation in connection therewith (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4903 et seq.) (See Section 630.10(b))
- 3) AN ACT to revise the law in relation to coroners (Ill. Rev. Stat. 1989, ch. 31, par. 10.2a et seq.) (See Section 630.10(b))
- 4) Lead Poisoning Prevention Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1301 et seq.) (See Section 630.10(b))
- 5) Infant Mortality Reduction Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7001, et seq.) (See Section 630.10(b))
- 6) The Problem Pregnancy Health Services and Care Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4601-100 et seq.) (See Section 630.10(b))
- 7) Prenatal and Newborn Care Act (P.A. 86-861, effective January 1, 1990) (See Section 630.10(b))
- 8) Ill. Rev. Stat. 1989, ch. 144, par. 67.1 (See Section 630.20(a)(1))
- 9) Ill. Rev. Stat. 1989, ch. 144, par. 22 (See Section 630.20(a)(1))
- 10) AN ACT in relation to the establishment and maintenance of county and multiple-county public health departments (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 20c.01) (See Section 630.20(f))
- 11) AN ACT in relation to State finance (Ill. Rev. Stat. 1989, ch. 127, par. 156) (See Section 630.70 definition of "Equipment.")
- 12) Article III of the Code of Civil Procedure (Ill. Rev. Stat. 1989, ch. 110, par. 3-101 et seq.) (See Section 630.210).

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d) State of Illinois Regulations

- 1) Family Planning Services Code (77 Ill. Adm. Code 635) (See Section 630.30)
- 2) Newborn Metabolic Screening and Treatment Code (77 Ill. Adm. Code 661) (See Section 630.40(a)(3))
- 3) Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640) (See Section 630.80 definition of "High-Risk")
- 4) 89 Ill. Adm. Code Part 1200 (See Section 630.20(a)(1))
- 5) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (See Section 630.200(h)(5))
- e) All incorporations by reference of federal rules and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Added at 14 Ill. Reg. _____, effective _____)

9. To replace "Appropriate project staff are required to attend" with "Staff involved in the delivery of client services are required to attend." in Section 630.110(a).
10. To add to Section 630.130(a)(7) the following text after "rates": "established pursuant to The Illinois Public Aid Code (11. Rev. Stat. 1989, ch. 23, par. 1-1 et seq.)."
11. In Section 630.130(c), to add: "The Department will consider the following in determining whether to grant an exception: the nature of the project, ability to find resources in the community which will meet part of the needs of the project and thus invalidate the percentages, a targeting of the resources toward one particular component or identified unmet need by the grantee which clearly will inhibit the ability of the grantee to carry out the project."
12. To amend its text in Section 630.200(c)(4) from "Task to Meet Objective Form" to "Plans to Achieve Objective Form."
13. In Section 630.200(c)(8)(B), to replace "Income standards must be developed and approved by the Illinois Department of Public

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Health for eligibility for services unless provided by the Illinois Department of Public Health." with "Income standards for eligibility for services shall be 185 percent of the federal poverty guidelines (see 55 Fed. Reg. 5664, February 16, 1990)."

14. In Section 630.200(c)(8)(C), to add at the end of that subsection the following: "Approval will be based upon a cost analysis methodology which can be demonstrated to the Department."
15. To add in Section 630.200(c)(12)(A) the following text: "Approval will be made by the Department when the income is budgeted into the project and meets the standards in subsection (c)(8)(B)."
16. To replace "designated perinatal centers" with "perinatal centers designated in accordance with the Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640)." in Section 630.200(e)(6).
17. To delete the term "adequate" from Section 630.200(e)(9).
18. To replace "unsatisfactory performance" with "substantially failed to comply with this Part and the grant award" in Section 630.200(h)(2).
19. To add after "terminated" in Section 630.20(h)(2) the following: "Substantial failure for the purpose of this Section shall mean failure to meet requirements other than a variance from the strict and literal performance which result in important omissions or defects given the particular circumstances involved."
20. To replace "Unless the Department receives assurances adequate to the Department from the grantee agency that grant funds held by the grantee agency are secure, and;" with "Unless the Department receives documentation that the grantee's assets are sufficient to meet the grantee's liabilities in the form of a certified financial statement." in Section 630.200(h)(6)(B).
21. To add "(RFP)" after "Request for Proposal" in Section 630.20(b)(2)(A).
22. To add a comma after "rent" in Section 630.20(d)(2)(H).
23. To change "on" to "of" in Section 630.20(d)(2)(J).

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24. To delete "by" in line 2 of Section 630.70, the definition of Administration.
25. To add a citation to the 1989 edition of the Illinois Revised Statutes in its statutory citation in Section 630.20(f).
26. To delete the first semi-colon in Section 630.200(h)(6)(A).
27. To end Sections 630.200(h)(6) and (h)(7) with the text " , and; "

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

- 14) Are there any other Amendments Pending on this Part? Yes ☐ No ☒

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
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- 15) Summary and Purpose of Rules:

The Maternal and Child Health program funds local community health organizations to provide a variety of Maternal and Child Health Services. The methodology and scope of these services are described in this part. The proposed amendments are designed to clarify these requirements in order to respond to a number of issues raised in the recent audit. These changes will have minimal impact on the grantees since they are basically operating within these guidelines now.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of

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Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTSTITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER I: MATERNAL AND CHILD HEALTH

PART 630

PROGRAM-CONTENT-AND-GUIDELINES-FOR MATERNAL AND CHILD HEALTH SERVICES CODESUBPART A: GENERALSECTION

630.10 The-Maternal-and-Child-Health-Program-- Legislative Base
630.20 The-Maternal-and-Child-Health-Program-- Administration
630.25 Incorporated Materials

SUBPART B: PRENATAL AND NEWBORN CARE PROGRAM

630.30 MCH-Project-Services-- Health Services for Women of
Reproductive Age
630.40 MCH-Project-Services-- Health Services for Children in the
First Year of Life

SUBPART C: CHILD HEALTH CARE PROGRAM

630.50 MCH-Project-Services-- Health Services for Children from One
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SUBPART D: ADMINISTRATIVE REQUIREMENTS

630.70 Definitions
630.80 MCH-Projects-- Standards
630.90 MCH-Projects-- Records
630.100 MCH-Projects-- Reports
630.110 MCH-Projects-- In-Service Training
630.120 MCH-Projects-- Evaluation
630.130 MCH-Projects-- Use of Project Funds
630.140 MCH-Projects-- Program Income
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630.160 MCH-Projects-- Availability of Services
630.170 MCH-Projects-- Utilization of Community Resources
630.180 MCH-Projects-- Abortions and Sterilizations
630.190 MCH-Projects-- Reasonable Cost
630.200 MCH-Projects-- Preparation of Applications
630.210 Review under Administrative Review Law
630.220 MCH Grant Proposal Review Form

Appendix A

Illinois Department of Public Health Reimbursement Certification
Form

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NOTICE OF ADOPTED AMENDMENTSAppendix C Instructions for Completing Reimbursement Certification Form
Appendix D Plans to Achieve Objectives
Appendix E Application and Plan for Public Health Program Grant

AUTHORITY: Implementing "AN ACT relating to the prevention of developmental disabilities" (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 2101 et seq.), the Lead Poisoning Prevention Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1301 et seq.), "AN ACT concerning the disease of phenylketonuria, designating certain powers and duties in relation thereto, providing penalties for violations thereof, to repeal an Act therein named and to make an appropriation in connection therewith (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 4903 et seq.), "AN ACT to revise the law in relation to coroners" (Ill. Rev. Stat. 1989, ch. 31, par. 10.2a), the Infant Mortality Reduction Act, (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 7001 et seq.), the Problem Pregnancy Health Services and Care Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 4601-100 et seq.), and authorized by the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 55.05).

SOURCE: Adopted and codified 6 Ill. Reg. 5566, effective April 20, 1982; amended at 7 Ill. Reg. 16422, effective November 23, 1983; amended at 14 Ill. Reg. 11219, effective July 1, 1990.

SUBPART A: GENERAL

Section 630.10 The-Maternal-and-Child-Health-Program--Legislative Base

a) Federal

Legislative provisions for health services for mothers and children were initiated with Title V of the Social Security Act in 1935 (42 U.S.C. 701 et seq.) through formula grants to States for maternal and child health services. Over the next 50 years Title V has been broadened and expanded in response to changing need. The most recent and extensive revision to Title V came through the Maternal and Child Health (MCH) Services Block Grant Act of 1981 (PL 97-35; Sec. 2191 et seq.). The MCH Block Grant Act virtually rewrote Title V to provide federal funds to States through a block grant arrangement so that each State could allocate resources based upon its individual needs and circumstances. In addition to the Maternal and Child Health and Crippled Children's Service (CCS) components, previous Federal categorical grant programs for Sudden Infant Death Syndrome (SIDS), Lead Screening, Adolescent Pregnancy, Genetics, Hemophilia and Supplemental Security Income-Disabled Children's Program (SSI-DCP) were folded into the MCH Block. Each State is to determine the types of activities and the level of support for each type of project that would be included in its State MCH Program.

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b) State

- 1) On July 12, 1877, the Illinois Department of Public Health was established to regulate the practice of medicine and to promote sanitary and hygienic activities. In 1919 the Division of Child Hygiene and Public Health Nursing was created to address the health needs of mothers and children following a terrible epidemic of infantile paralysis (polio) which struck the State in 1916 and 1917.
- 2) Since that time a wide array of state health department programs were developed by this Division and its various successor units. After the enactment of Title V legislation, the Division became the designated maternal and child health unit of the Department.
- 3) The Division of Family Health carries responsibility for implementing and maintaining Federal Title V programs as well as the following program areas mandated by state legislation: ~~{all citations refer to Illinois Revised Statutes; 1981}~~
 - A) AN ACT relating to the prevention of developmental disabilities ~~Prevention of Developmental Disabilities through Prenatal and Regionalized Perinatal Care~~ (Ill. Rev. Stat. 1989, ch. Chapter 111 1/2, par. Paragraph 2101 et seq.)
 - B) AN ACT concerning the disease of phenylketonuria and other metabolic diseases, designating certain powers and duties in relation thereto, providing penalties for violation thereof, to repeal an Act therein named and to make an appropriation in connection therewith, ~~Newborn Screening~~ (Ill. Rev. Stat. 1989, ch. Chapter 111 1/2, par. Paragraph 4903 et seq.)
 - C) AN ACT to revise the law in relation to coroners ~~Sudden Infant Death Syndrome Follow-up~~ (Ill. Rev. Stat. 1989, ch. Chapter 31, par. Paragraph 10.2a).
 - D) Lead Poisoning Prevention Act (Ill. Rev. Stat. 1989, ch. Chapter 111 1/2, par. Paragraph 1301 et seq.)
 - E) Infant Mortality Reduction Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7001 et seq.)
 - F) The Problem Pregnancy Health Services and Care Act

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(Ill. Rev. Stat. 1989, ch. 111 1/2, Par. 4601-100 et seq.)

G)

Prenatal and Newborn Care Act (P.A. 86-861, effective January 1, 1990).

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)

Section 630.20 The Maternal and Child Health Program-- Administration

a) General Provisions

- 1) Planning, programming and budgeting for Maternal and Child Health programs are the responsibility of the Division of Family Health of the Illinois Department of Public Health. The Department will develop each year a MCH Program Plan for Illinois which will assess current needs within the State and provide goals and objectives for improving the health of mothers and children, and for reducing infant mortality. The Department will provide to the University of Illinois Division of Services for Crippled Children thirty-two and one-tenth (32.1) percent of the total MCH Services Block grant funds allocated to the Department [this being the percentage of Illinois' total funds awarded to the Division in Federal Fiscal Year 1981 from the Title V consolidated health programs as defined in Title V, Section 501(b)(1)] and included in the DHHS base for computation of the Department's Fiscal Year 1982 MCH Services Block Grant. Such funds to be used in accordance with those provisions of Title V MCH Services Block Grant applicable to services to children with special health care needs and as further defined by Illinois statute (Ill. Rev. Stat. 1989, ch. 144, par. 67.1, Ill. Rev. Stat. 1989, ch. 144, par. 22, and 89 Ill. Adm. Code, ch. X, sec. 1200) and not subject to the rules contained herein.
- 2) Giving highest priority to those areas in Illinois having high concentrations of low-income families, medically underserved areas, and those areas with high infant mortality and teenage pregnancies, the Department shall fund use the remaining sixty-seven and nine-tenths (67.9) percent of the total MCH Services Block Grant funds for MCH projects consistent with the intent of the ~~Rewley~~ Rewley Title V and to provide Department operational funds which are supportive of the above projects.
- 3) Projects shall be administered either directly by the Department, or through grants or contracts to health

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agencies of local political jurisdictions or private nonprofit agencies. All applicant agencies shall be subject to the planning, promotion, and coordination of such services by the Division of Family Health.

- 4) Each project shall operate according to a plan written in accordance with state guidelines contained herein which are consistent with Title V and its regulations. In addition, projects funded for Regionalized Perinatal Care, Lead Poisoning, Newborn Screening, Problem Pregnancy, or Sudden Infant Death Syndrome activities must meet the requirements of State statutes and the applicable State rules and regulations.

b) Review Process

1) Priorities for Ranking

- A) Priority shall be given to project applications for areas with concentrations of low income families. A low income family is defined as being either urban or rural, with an annual income below the nonfarm income official poverty level as defined by the Office of Management and Budget and revised annually in accordance with Section 624 of the Economic Opportunity Act of 1964. An area of concentration of low income is defined as a geographic area in which data are available indicating that a minimum of 20% of families or at least 1,000 individuals within its boundaries have an income less than the poverty level as described above. Priority will be given to those geographic areas in proportion to the extent to which the standard is exceeded. Applicants shall be required to document the socioeconomic factors within the geographic area proposed for the project.

- B) Priority for placement of projects shall also be given to areas that demonstrate a need for health services because of service scarcity or inaccessibility, and areas determined to have a need for such services as documented in the Illinois MCH Program Plan, revised annually. Areas demonstrating a reasonable probability of success based upon availability of facilities and personnel or the potential for developing such resources shall also be given priority.

- C) Reapplications for continued funding will receive priority consideration in two succeeding years based

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on appropriation of funds by the General Assembly and performance showing progress toward stated goals. Funding for subsequent reapplications will be based upon the priorities in subsections (1)(A) and (1)(B) and past performance.

2) Processing of Applications

- A) Applications shall be submitted no later than ten weeks prior to the requested date of funding, the due date indicated in the Request for Proposal (RFP) which shall be approximately ten weeks from the date of request. All exceptions must be requested and approved in writing.

- B) Staff of the Division of Family Health shall review the applications for completeness and request any needed additional information from the applicant.

- C) An evaluation committee appointed by the Chief of the Division of Family Health shall provide review of all applications based on compliance with this part, these guidelines, this committee may request additional information or clarification from applicants. Documentation of the review process shall be include a summary of ratings for all proposals reviewed. The review shall include as a minimum the items identified in the MCH Grant Proposal Review Form. Such items include but are not limited to linkages with other community resources, parental involvement in the program, matching fund requirements, and special budgetary justification.

- D) Upon consideration of the recommendations of the evaluation committee, the Chief of the Division of Family Health shall recommend a funding level for approved applications to the Director of the Illinois Department of Public Health. The Illinois Department of Public Health may award funds for amounts less than requested in the grant application.

- E) The Department will communicate final decisions to each applicant.

c) Funding

The preferred method of payment reimbursement to Maternal and

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Child Health projects is by reimbursement of expenditures. In those instances in which a grantee does not have at least two months operating funds sufficient resources to implement the project, a cash advance may be requested. The request must be in writing and signed by the project director and the applicant agency's fiscal officer. Repayment and reconciliation methodology will be set forth in writing by the Chief, Division of Family Health, as a condition of the grant award.

d) Reimbursement

- 1) Periodic reimbursement requests are to be prepared for reimbursement of allowable expenses incurred in the operation of the project and as specified in the approved budget are to be prepared and submitted to the Office of Health Services Fiscal Unit. After review by appropriate Fiscal and MCH staff, and approval by the MCH Program personnel, reimbursement requests will be processed for payment. Payment usually can be expected from five to six weeks after receipt of the reimbursement request by the Department. If allowable expense items are included in the reimbursement request, they will be deducted, the project director will be notified, and only the allowable portion of the request will be reimbursed. In order to expedite cash flow, project directors should inquire about the appropriateness of questionable expenses prior to making the expenditure.

- 2) Complete reimbursement request shall consist of a Reimbursement Certification Form ~~State of Illinois-Invoice Voucher Form-6-131~~ and the format for Project-Billing which can be expanded to multiple pages where necessary. Billings should be prepared in accordance with the following instructions:

- A) Frequency of submission: Projects with funding in excess of \$50,000 shall submit billings monthly. All others should submit billings at least quarterly. Any project may submit monthly billings. Quarters for the MCH grant periods are:

	State Fiscal Year	Federal Fiscal Year
July 1 - September 30	1st	4th
Oct. 1 - December 31	2nd	1st
Jan. 1 - March 31	3rd	2nd
April 1 - June 30	4th	3rd

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- B) Deadlines for submission: Billings must be submitted within 30 days of the end of the reporting period. For example, billing for the month of July shall be submitted not later than the end of August, billing for the quarter ending in March shall be submitted not later than the end of April. At the end of the grant period, however, projects will have 45 days in which to submit the final billing. A reminder will be sent to all projects.
- C) Grouping of expenditures: Billing must be organized by the budget categories and line items of the approved project budget. A total for each budget category shall ~~show~~ be shown.
- D) Voucher or check number: Every expenditure (goods or services already paid for by the grantee) must be identified by a voucher number or check number. This is the key to maintaining a clearly defined audit trail. Each item reimbursed by the Division of Family Health or voluntarily shown as supporting expenditures must be based on an expenditure traceable through the project's internal record system. Invoices, bills, purchase orders, etc., shall ~~show~~ be attached or cross referenced on the grantee's voucher or check stub and kept on file for 3 years beyond the end of the grant period. These are not to be submitted with project billings.
- E) Date of voucher or check: Expenditures must be documented by showing the date of issue of the voucher or check.
- F) Expenditures outside of report period: It is expected that reimbursement requests will be for goods and services received in the reporting period. Bills submitted to the project by providers, suppliers, etc., too late for inclusion may be submitted with the subsequent billing request.
- G) Payee: Clearly identify (by name and address) the organization or individual to whom payment was made.
- H) Purpose of Expenditure: The purpose of the expenditure must be clearly indicated so that the Division of Family Health staff may determine whether it is acceptable for reimbursement or as matching. Acceptability will be based on the terms of the

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agreement and this Part applicable rules and regulations. For periodic charges, e.g., salaries, fringe benefits, travel, rent, utilities, etc., also show the time period covered.

- I) Patient Confidentiality: Patients' names shall not appear anywhere on the billing. Where patient references are necessary to maintain an audit trail, patient numbers or other means of identification shall be used.

- J) Reporting of Expenditures: Two columns have been provided; the first for expenditures funded by the Division of Family Health and the second to list supporting expenditures of the project for appointees voluntarily showing those expenditures.

Expenditure: Expenditures shall be completed in accord with Instructions for Completion of the Reimbursement Certification Form (see Appendix B of this Part).

- i) Sub-total expenditures in both columns by budget category, and show a grand total at the end of the billing.

- ii) Individual expenditures reported may be entirely reimbursable, entirely paid from other resources, or a combination of the two. For example, a nurse's salary may be paid entirely by grant funds, entirely by local project funds, or partly from each source.

- iii) In projects showing supporting expenditures they are to be reported with each reimbursement request and not accumulated.

- K) Signature: The project director or an authorized agent must sign the billing form before submission. The individual signing the form is responsible for its accuracy. Authorized signatures must be on file with the Department.

- L) Voucher: The State of Illinois Invoice Voucher (6-13) must have the following items completed:

- i) Name and location of agency

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Illinois Department of Public Health
Office of Health Services/Division of Family Health
535 West Jefferson Street
Springfield, IL 62761

- ii) Seller's Certification: Person authorized to sign for the project.

- iii) Vendor Number: Nine-digit Federal Employers Identification Number (FEIN).

- iv) ZIP Code.

- v) Vendor or Payee: Name and address of person or organization to whom payment is to be made.

- vi) All other items should be left blank.

LM)

Number of Copies: Submit the completed 6-13 with four legible copies of the Reimbursement Certification Form Format for Project Billing. Additional pages may be duplicated as needed.

- e) Monitoring

At least annually, appropriate professional health personnel of the Division and its consultants shall review each project for appropriateness of services and quality of care furnished to recipients in accordance with the project plan.

- f) Auditing

The Illinois Department of Public Health will conduct audits of local projects by the authority of AN ACT in relation to the establishment and maintenance of county and multiple-county public health departments (Ill. Rev. Stat. 1989 Illinois Revised Statutes, Chapter 111/72, par. Paragraph 20c.01).

These audits will be conducted at least every two years and will be performed in accord with generally accepted auditing procedures the guidelines described in the Illinois Department of Public Health Audit Program for State/Federal Funds-Awarded Local Health Departments. These audits will be either on-site reviews by Illinois Department of Public Health audit staff or will be desk audits of local public agencies covered by the Single Audit Act of 1984 (31 U.S.C. 7501 et seq.). In the latter case, the agency is required to submit a copy of the audit within one month of the receipt of the final report. If after review of the

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report the Illinois Department of Public Health requires additional information, then the Department reserves the right to perform such an audit.

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)

Section 630.25 Incorporated Materials

The following are standards incorporated or referenced in this Part:

a) Codes and Standards

- 1) Accreditation Manual for Hospitals (1990)
Joint Commission on Accreditation of Health Care Organizations
875 North Michigan Avenue
Chicago, Illinois 60611
- 2) Hospital Care of Children and Youth (1986)
American Academy of Pediatrics
141 Northwest Point Blvd.
P.O. Box 927
Elk Grove Village, Illinois 60009-0927
- 3) Guidelines for Perinatal Care (1988)
American Academy of Pediatrics
141 Northwest Point Blvd.
P.O. Box 927
Elk Grove Village, Illinois 60009-0927
- 4) American College of Obstetrics and Gynecologists
409 12th Street S.W.
Washington, D.C. 20024-2188
- 5) March of Dimes
1275 Mamaroneck Avenue
White Plains, NY 20024-2188
- 6) Towards Improving the Outcome of Pregnancy (1977)
The National Foundation - March of Dimes
Committee on Perinatal Health
1275 Mamaroneck Avenue
White Plains, NY 20024-2188
- 7) Standards of Child Health Care (1977)
Council on Pediatric Practice
American Academy of Pediatrics
141 Northwest Point Blvd.

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P.O. Box 927
Elk Grove Village, Illinois 60009-0927

- 6) Standards for Obstetric - Gynecologic Services
American College of Obstetricians and Gynecologists 6th edition
1985
409 12th Street S.W.
Washington, D.C. 20024-2188
- 7) School Health: A Guide for Health Professionals (1987)
American Academy of Pediatrics
141 Northwest Point Blvd.
P.O. Box 927
Elk Grove Village, Illinois 60009-0927
- 8) Standard of Maternal and Child Health Nursing Practice (1983)
American Nursing Association
2420 Pershing Road
Kansas City, MO 64108
- 9) A Statement on the Scope of Maternal and Child Health Nursing Practice (1980)
American Nursing Association
2420 Pershing Road
Kansas City, MO 64108
- 10) Standard of Practice for the Perinatal Nurse Specialist (1984)
American Nursing Association
2420 Pershing Road
Kansas City, MO 64108
- 11) Standard of Community Health Nursing Practice (1986)
American Nursing Association
2420 Pershing Road
Kansas City, MO 64108
- 12) Definition and Role of Public Health Nursing in the Delivery of Health Care (1980)
American Public Health Association
1015 Fifteenth Street N.W.
Washington, D.C. 20005
- b) Federal Guidelines, Statutes and Regulations
- 1) Rehabilitation Act of 1973 (See Section 630.200(e)(9))

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- 2) Title IX of the Education Amendments of 1972 (See Section 630.200(e)(9))
- 3) Age Discrimination Act of 1975 (See Section 630.200(e)(9))
- 4) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) (See Section 630.200(e)(9))
- 5) Title V of the Social Security Act of 1935 (42 U.S.C. 701 et seq.) (See Section 630.10(a), 630.20(a)(4), 630.100(a)(1))
- 6) Section 1861(v) of the Social Security Act (42 U.S.C. 1395v) (See Section 630.190)
- 7) Section 1122 of the Social Security Act (42 U.S.C. 1320a) (See Section 630.190)
- 8) Maternal and Child Health (MCH) Services Block Grant Act of 1981 (P.L. 97-35; Sec. 219) et seq.) (See Section 630.10(a))
- 9) Section 624 of the Economic Opportunity Act of 1964 (See Section 630.20(b)(1)(A))
- 10) Single Audit Act of 1984 (31 U.S.C. 7501 et seq.) (See Section 630.20(f))
- 11) 42 CFR 50.201 (1990)
(See Section 630.180(b))

c) State of Illinois Statutes

- 1) AN ACT relating to the prevention of developmental disabilities (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 2102 et seq.) (See Section 630.10(b))
- 2) AN ACT concerning the disease of phenylketonuria and other metabolic diseases, designating certain powers and duties in relation thereto, providing penalties for violation thereof, to repeal an Act therein named and to make an appropriation in connection therewith (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4903 et seq.) (See Section 630.10(b))
- 3) AN ACT to revise the law in relation to coroners (Ill. Rev. Stat. 1989, ch. 31, par. 10.2a et seq.) (See Section 630.10(b))
- 4) Lead Poisoning Prevention Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1301 et seq.) (See Section 630.10(b))

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- 5) Infant Mortality Reduction Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7001, et seq.) (See Section 630.10(b))
 - 6) The Problem Pregnancy Health Services and Care Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4601-100 et seq.) (See Section 630.10(b))
 - 7) Prenatal and Newborn Care Act (P.A. 86-861, effective January 1, 1990) (See Section 630.10(b))
 - 8) Ill. Rev. Stat. 1989, ch. 144, par. 67.1 (See Section 630.20(a)(1))
 - 9) Ill. Rev. Stat. 1989, ch. 144, par. 22 (See Section 630.20(a)(1))
 - 10) AN ACT in relation to the establishment and maintenance of county and multiple-county public health departments (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 20c.01) (See Section 630.20(f))
 - 11) AN ACT in relation to State finance (Ill. Rev. Stat. 1989, ch. 127, par. 156) (See Section 630.70 definition of "Equipment.")
 - 12) Article III of the Code of Civil Procedure (Ill. Rev. Stat. 1989, ch. 110, par. 3-101 et seq.) (See Section 630.210)
- d) State of Illinois Regulations
- 1) Family Planning Services Code (77 Ill. Adm. Code 635) (See Section 630.30)
 - 2) Newborn Metabolic Screening and Treatment Code (77 Ill. Adm. Code 661) (See Section 630.40(a)(3))
 - 3) Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640) (See Section 630.80 definition of "High-Risk")
 - 4) 89 Ill. Adm. Code Part 1200 (See Section 630.20(a)(1))
 - 5) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (See Section 630.200(h)(5))
- e) All incorporations by reference of federal rules and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

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(Source: Added at 14 Ill. Reg. 11219, effective July 1, 1990)

SUBPART B: PRENATAL AND NEWBORN CARE PROGRAM

Section 630.30 MCH-Project-Services-- Health Services For Women of Reproductive Age

The Division of Family Health, Department of Public Health, State of Illinois, through its Maternal and Child Health Program may allocate funds for programs providing health services for women of reproductive age. All such services must be delivered based upon the standards of the American College of Obstetrics and Gynecology set forth in Section 630.80(a)(5), Family Planning Services Code (77 Ill. Adm. Code 635.90), Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640), and Hospital Licensing Requirements (77 Ill. Adm. Code 250.1810-1860) (See Section 630.80(a)(5). One or more of the following MCH services may be included in application proposals for Title V and State MCH Project grant funds:

- a) Services for nonpregnant women that relate to the occurrence and course of future pregnancy.

- 1) Comprehensive family planning services as described in the Department's Family Planning Services Code - 77 Ill. Adm. Code 635.90, including:

- A) Information, education, and counseling regarding family planning concepts and techniques, and other issues such as the importance of prenatal care, and risks associated with childbearing at extremes of the reproductive age span.
- B) History and physical examination, including breast and pelvic examination as indicated, and tests such as hematoerity, sickle-cell, rubella, Papanicolaou smear, gonorrhea culture, testing, urinalysis, and serological examination for appropriate.
- C) Provision of family planning methods and instruction regarding their use.
- D) Pregnancy testing with attendant counseling and referrals as appropriate (including prenatal services, adoption, and abortion).
- E) Infertility services, including counseling, information, education, and treatment.
- F) Sterilization, counseling, information, and education.

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- G) Sterilization treatment services for persons legally capable of consent, 21 years of age and over.
- H) Diagnosis and treatment or referral and follow-up for general health problems (of project registrants) that can adversely affect future pregnancy, fetal development, and maternal health.
 - i) Sexually transmitted diseases.
 - ii) Immune status (such as rubella).
 - iii) Gynecological, anatomic and functional disorders.
 - iv) Inadequate nutritional status, including under and overweight, food fads, etc.
- I) Counseling and anticipatory guidance with referral and follow-up as needed regarding:
 - i) Physical activity and exercise.
 - ii) General health practices.
 - iii) Avoidance of smoking, alcohol and other drugs; and of environmental hazards, including radiation, hazardous chemicals, and various workplace hazards.
 - iv) Use of community human service resources such as food stamps, Special Supplemental Food Program for Women, Infants and Children (WIC), welfare and social services that significantly affect health status.
 - v) Significant oral pathology.
 - vi) Organic medical problems such as renal and heart diseases, hypertension, diabetes, and endocrine problems.
 - vii) Self breast examination.
 - viii) Referral and follow-up of mental health and behavioral problems, both acute and chronic, that can adversely affect pregnancy, fetal development, and maternal health such as:

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Alcohol-abuse,-drug-addiction-or-abuse,
other-substance-abuse,-and

Significant-mental-disorders-such-as
schizophrenia-and-depression,

4) Nutrition-assessment-and-services,

5) Home-health-and-homemaker-services,

2) Genetic evaluation screening and related services-as
needed-to-detect-persons-at-risk-with counseling as
indicated and-referral-as-appropriate.

3) Counseling and referral to licensed adoption services if
indicated or desired.

b) Services for pregnant women in-the-prenatal-period.

1) Early diagnosis of pregnancy.

2) Counseling regarding plans for pregnancy continuation.

A) For those electing to carry to term, referral for and
provision of prenatal care. Referral to childbirth
preparation classes as desired or to adoption services
at licensed agencies if indicated.

B) For those electing abortion, referral to appropriate
counseling and family planning facilities.

3) Prenatal care services including:

A) History (general medical-surgical, social and
occupational, family and genetic background, health
habits, previous pregnancies, and current pregnancy).

B) Complete physical examination including blood
pressure, height and weight, and fetal development as
well as a complete systems review.

C) Laboratory tests as appropriate, such as syphilis
serology, Papanicolaou smear, gonococcal culture,
chlamydia smear, hepatitis B, diabetic screening,
hemoglobin/hematocrit, urinalysis for glucose and
protein, Rh determination and irregular antibody
screening, blood group determination, and rubella test.

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D) Diagnosis and treatment or referral and follow-up of
general health problems, both acute and chronic,
preexisting or arising during the prenatal period,
that can adversely affect pregnancy, fetal
development, or maternal health.

E) Referral and follow-up of mental health problems, both
acute and chronic, preexisting or arising during the
prenatal period, that can adversely affect pregnancy,
fetal development, or maternal health.

F) Nutritional assessment and services as needed.
Provision of vitamin, iron and other supplements as
appropriate. The water supply for clients on
nonpublic sources should be tested for nitrates by the
Illinois Department of Public Health Laboratories.

G) Dental services limited to oral pathology that can
directly affect the outcome of pregnancy.

H) Schedules-of subsequent prenatal visits based-on
the-needs-of-the-patient-including-should include at
the minimum: blood pressure, weight, urinalysis for
protein and glucose, ascertaining fetal development,
update on pertinent medical history, height of fundus,
rate and location of fetal heart tones, periodic
hemoglobin and/or hematocrit as well as a vaginal
examination and other special tests as indicated
(e.g., Rh titer). Visits should occur at ACOG
recommended frequency.

I) Screening, diagnosis (including amniocentesis), and
counseling with follow-up for selected fetal genetic
defects (such-as-neural-tube-defects,-Down's-
syndrome,-Tay-Sachs-disease).

J) Services-An assessment to identify and-refer high
risk pregnancies to and an appropriately
perinatal-referral-facility-consult and/or refer
within the Perinatal System.

K) Home health and homemaker services.

L) Counseling and anticipatory guidance with referral and
follow-up as needed regarding:

i) Physical activity and exercise.

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- ii) Nutrition during pregnancy, including the importance of adequate but not excessive weight gain.
- iii) Avoidance during pregnancy of smoking, alcohol and other drugs; and of environmental hazards including radiation, hazardous chemicals, and various workplace hazards.
- iv) Signs of problems arising during pregnancy and at the onset of labor, including signs of preterm labor.
- v) Preparation of the woman (and her partner where appropriate) for labor and delivery, including plans for place of delivery and use of anesthesia.
- vi) Use of medication during pregnancy.
- vii) Infant nutritional needs and feeding practices, including breast feeding.
- viii) Child care arrangements.
- ix) Parenting skills, including meeting the physical, emotional and intellectual needs of the infant, with specific appraisal to detect parents at risk of child abuse or neglect.
- x) Planning for continuous and comprehensive pediatric care following delivery, including arrangements for a pediatric antenatal visit to link the family to pediatric care.
- xi) Emotional and social changes occasioned by the birth of a child, including changes in marital and family relationships, the special needs of the mother in the postpartum period, and preparing the home for the arrival of the newborn.
- xii) Referral to appropriate community health resources such as WIC, food stamps, welfare and social services that can benefit health status significantly.
- xiii) Discussions regarding postpartum family planning.

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options.xiv) Housing (including alternative placement).xviii) Other relevant topics in response to patient concern.

- e) 4) Services in the intrapartum period and postpartum periods.
 - 1) Assessing the progress of labor and the condition of the mother and fetus throughout labor.
 - 2) Medical services during labor and delivery for diagnosis and management of conditions threatening the mother and/or infant, including the availability of a Cesarean birth operation when indicated and consultation and/or referral for high risk perinatal problems within the Perinatal System.
 - 3) Delivery and/or referral of the baby to the appropriate level facility within the Perinatal System - a qualified professional in a facility that has services needed to manage medical emergencies of the mother and/or newborn, or has ready access to such services.
 - D) RH workup and Rhogam administration as indicated.
 - 5) Services during the postpartum period.
 - A) Diagnosis and treatment or referral and follow-up of general health problems, both acute and chronic, preexisting or arising during the postpartum period that can adversely affect the mother's health and/or child caring abilities.
 - B) Diagnosis and treatment or referral and follow-up of mental health or behavioral problems, both acute and chronic, preexisting or arising during the perinatal and postpartum periods (including maternal depression) that can adversely affect the mother's health and/or child care abilities.
 - C) Counseling and anticipatory guidance with referrals and follow-up as needed regarding:
 - i) Postpartum changes, both normal and abnormal.

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- ii) Family planning methods.
- A) iii) Infant development and behavior.
- B) iv) Infant nutritional needs and feeding practices, including breast feeding.
- G) v) Automobile restraints for infants and children, and general accident prevention concepts (especially home accidents and accidental poisoning).
- D) vi) Infant stimulation and parenting skills, with specific appraisal to identify parents at risk for child abuse or neglect.
- E) vii) Need for and importance of immunizations.
- F) viii) Effect on children of parental smoking, use of alcohol and other drugs, and other health-damaging behaviors.
- G) ix) The importance of a source of continuous and comprehensive care for both mother and child, including identification of available resources to help with such problems as illness in the newborn, breast feeding difficulties or problems with contraception.
- H) x) Recognition and management of illness in the newborn.
- I) xi) Infant care.
- J) xii) Child care arrangements.
- K) xiii) Using community health resources such as WIC, food stamps, welfare and social services that bear significantly on health status.
- L) xiv) Physical activity and exercise.
- M) xv) Nutrition assessment and services.
- N) xvi) General health practices.
- xvii) Genetic diagnostic services and counseling if indicated.

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- O) xiii) Other relevant topics in response to parental concern.
- P) xix) Organic medical problems such as renal and heart disease, hypertension, diabetes, and endocrine problems.
- Z) Diagnosis and treatment or referral and follow-up for general health problems (of project registrants) that can adversely affect future pregnancy, fetal development, and maternal health such as:
 - A) i) Sexually transmitted diseases.
 - B) ii) Immune status (such as rubella).
 - G) iii) Gynecological anatomic and functional disorders.
 - D) iv) Inadequate nutritional status, including both under and overweight.
 - E) v) Occupational exposures.
 - F) vi) Acute dental problems such as infection.
 - vii) Family history of genetic disorder.
- 8) E) Comprehensive family planning services, during intrapartum and postpartum period, including:
 - A) i) Information, education, and counseling regarding family planning concepts and techniques, and other issues such as the importance of prenatal care, and risks to mother and child of childbearing at extremes of the reproductive age span.
 - B) ii) History and physical examination, including heart, lungs, thyroid, breast and pelvic examination, as indicated, and tests such as a Papanicolaou smear, gonococcal culture, chlamydia testing, hematocrit urinalysis, and serological examination for syphilis, as appropriate.
 - G) iii) Provision of family planning methods and instruction regarding their use.
 - D) iv) Sterilization counseling, information, and

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education.

E) v) Sterilization treatment services for persons 21 years of age and over, and legally capable of consent.

F) vi) Rubella immunization as indicated.

vii) Genetic counseling services.

9) F) Home health and homemaker services.

10) G) Routine postpartum examination, four to six weeks following delivery with referrals and follow-up as needed, including:

i) i) Physical examination and intrapartum history.

A) ii) Laboratory services as appropriate.

B) iii) Family planning services.

G) iv) Rubella immunization as indicated.

cd) Access-related services:

1) Outreach services.

2) Translator and 24-hour emergency telephone services.

3) Child care services to facilitate obtaining needed health services and other social services as needed.

4) Availability of services directly or through referral regardless of handicapping conditions.

5) Transportation.

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)

Section 630.40 MCH-Project-Services-- Health Services fFor Children in the First Year of Life

The Division of Family Health, State of Illinois Department of Public Health, through its Maternal and Child Health Program may allocate funds for programs providing health services for infants in the first year of life in accord with the standards of the American Academy of Pediatrics set forth in Section 630.80(a)(5), and Regionalized Perinatal Health Care Code (77 Ill.

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Adm. Code 640). One or more of the following MCH services may be included in application proposals for Title V## and State MCH Project grant funds.

a) Services in the neonatal period.

1) Evaluation of the newborn infant immediately after delivery and institution of appropriate support procedures.

2) Complete physical examination, including length, weight, and head circumference, skin, head, eyes, ears, nose, mouth, thorax, lungs, cardiovascular system, abdomen, genitalia, musculoskeletal system, neuromuscular system and reflexes.

3) Laboratory tests to screen for lead poisoning and genetically-determined diseases as defined in the Newborn Metabolic Screening and Treatment Code (77 Ill. Adm. Code 661) ~~including phenylketonuria (PKU) and hypothyroidism, and to include early diagnosis and treatment as required by state law.~~

4) Diagnosis and treatment or referral and follow-up of general health problems.

5) Preventive procedures to include:

A) Gonococcal eye infection prophylaxis.

B) Administration of vitamin K.

6) Assessment for high risk conditions and appropriate consultation and/or referral within the Perinatal System including genetic evaluation and counseling services where appropriate ~~services of a newborn intermediate or intensive care unit as appropriate.~~

7) Nutritional assessment and services and supplementation as needed.

8) Bonding and attachment support activities including provision for extended contact between parents and their infant immediately after delivery and, where desired by the parents, rooming-in arrangements or the equivalent.

9) Arrangements for continuous, comprehensive pediatric care for the newborn following discharge from the hospital.

10) Home health services.

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11) Referral for Public Health nursing follow-up including those identified through the Adverse Pregnancy Outcome Reporting System.

b) Services during balance of first year of life.

1) Periodic health assessment to include:

- A) History and systems review (general medical and social, family and genetic background, with items of inquiry determined by age, developmental stage, and likelihood of potential problems).

B) Complete physical examination to include:

- i) Height and weight.
ii) Head circumference.
iii) Vision and hearing evaluation.

C) Development-behavioral assessment of Development and Behavior using age appropriate tools.

D) Screening and laboratory tests as indicated, including hemoglobin/hematocrit and tuberculin skin test; and, for infants at risk, such procedures as lead poisoning, parasite, and sickle cell screening for those children not screened in the newborn period.

E) Nutritional assessment, and services and supplementation as needed (including provision of such supplements as iron and vitamin D, and adequacy of fluoride intake). For those clients on nonpublic supplies, water should be tested for nitrates by the Illinois Department of Public Health Laboratories.

2) Immunizations according to state and nationally recognized standards.

3) Diagnosis and treatment or referral and follow-up of general health problems, both acute and chronic.

4) Home health services.

5) Counseling and anticipatory guidance with referrals and follow-up as needed regarding:

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A) Infant development and behavior.

B) Maternal nutritional needs, especially if breast feeding, and infant nutritional needs and feeding practices.

C) Automobile restraints for infants, and general injury prevention concepts (especially home injuries and unintentional poisoning).

D) Infant stimulation and parenting skills, with specific appraisal to identify parents at risk of child abuse or neglect.

E) Need for and importance of immunizations.

F) Effect on children of parental smoking, use of alcohol and other drugs, and other health-damaging behaviors.

G) The importance of a source of continuous and comprehensive care for mother and child, including identification of available resources to help with such problems, as sudden illness or breast feeding difficulties.

H) Recognition and management of illness.

I) Infant care skills.

J) Child care arrangements.

K) Using community health resources such as WIC, food stamps, welfare and social services that significantly affect health status.

L) Other relevant topics in response to parental concern.

6) Counseling and provision of appropriate treatment and/or referral to appropriate services (including Early Intervention Programs for Infants and Toddlers with Handicaps, programs for children with special health care needs, home health and homemaker services) as needed for parents:

A) who have health problems that seriously affect their capacity to care for the infant.

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- B) whose infant is seriously ill.
- C) whose infant has a chronic illness or handicapping condition.
- D) whose infant is or is about to be hospitalized.
- E) whose infant dies as a result of sudden infant death syndrome (SIDS).

c) Education, information and counseling services for all families whose infants die as a result of Sudden Infant Death Syndrome (SIDS), as well as training for those professionals who would be involved in a SIDS incident.

- 1) Coroners report suspected SIDS cases to Statewide SIDS Program within 72 hours.
- 2) Condolence letter and SIDS information sent to family.
- 3) Referral to local agency for family follow-up.

A) Family is contacted to schedule a home visit and the completed initial home visit report is returned to SIDS Program within two weeks.

B) Follow-up visit report form returned after subsequent visits or telephone contacts.

4) Counseling and/or referral to appropriate services or support groups as needed. (Parent support groups, mental health).

5) Workshops and/or in-services related to SIDS for professionals. Directed at, but not limited to, coroners, Emergency Medical Technicians, first responders, emergency room personnel, funeral home directors, clergy, social workers, and public health nurses.

de) Access-related services:

- 1) Outreach services.
- 2) Translator and 24-hour emergency telephone services.
- 3) Child care services to facilitate obtaining needed health services.

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- 4) Availability of services directly or through referral for handicapping conditions.
- 5) Transportation.

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)

SUBPART C: CHILD HEALTH CARE PROGRAM

Section 630.50 MCH-Project-Services-- Health Services for Children
From One Year of Age to Early Adolescence

The Division of Family Health, State of Illinois Department of Public Health, through its Maternal and Child Health Program may allocate funds for programs providing health services for children from one year of age to early adolescence which meet the standards of the American Academy of Pediatrics set forth in Section 630.80(a)(5). One or more of the following MCH services may be included in application proposals for Title II and State MCH Project grant funds. Some of the items apply primarily to either older or younger children (such as counseling regarding use of cigarettes by the child in the former case and initiation of the mumps, measles, and rubella immunization series in the latter).

- a) Health services for children.
 - 1) Periodic health assessment to include:
 - A) History and systems review (general medical and social, family and genetic background, with items of inquiry determined by age, developmental stage, and likelihood of potential problems).
 - B) Psychosocial history, including peer and family relationships, and school progress and problems, out-of-school activities, and health-related habits.
 - C) Complete physical examination to include:
 - i) Height-and-weight,-including-attention-to-overweight,-underweight,-and-peer-linear growth.

Height and weight, head circumference through the second year of life, skin, head and neck, thorax, lungs, cardiovascular system, abdomen, genitalia, musculoskeletal system, nervous system, and mental status.

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- ii) Sexual development.
- iii) Vision, hearing, and speech evaluation.
- iv) Blood pressure starting at age 3.
- v) Dental.
- D) Developmental and behavioral assessment using age appropriate tools.
- E) Screening and laboratory tests as indicated, including hemoglobin/hematocrit, blood lead analysis and tuberculin skin test (Mantoux) in children from high risk groups or in areas of high endemic rates of tuberculosis; and, for children at risk, such procedures as lead-poisoning, parasite, and sexually transmitted disease screening.
- F) Nutritional assessment, and services and supplementation as needed (including provision of such supplements as iron and vitamin D, and fluoride if indicated). For those clients on nonpublic water supplies, testing for nitrates should be done by the Illinois Department of Public Health Laboratories.
- 2) Immunizations according to state and nationally recognized standards.
- 3) Diagnosis and treatment or referral and follow-up of general health problems, both acute and chronic.
- 4) Diagnosis and treatment or referral and follow-up of mental health problems, both acute and chronic, including emotional and learning disorders, behavioral disorders, alcohol and drug related problems, and problems with family and peer group relationships.
- 5) Counseling and provision of support services as needed to children with chronic illnesses and/or handicapping conditions.
- 6) Dental services, both preventive and therapeutic, including oral examination, prophylaxis, X-ray, sealants, and fluoride supplementation if indicated.
- 7) Home health services.

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- 8) Counseling and anticipatory guidance with referrals and follow-up as needed to child and/or parents as appropriate.
 - A) Nutritional needs including food purchase and preparation, routine dietary needs, and the importance of a high quality diet.
 - B) Automobile restraints for children and general injury/accident prevention concepts (especially home injuries/accidents, unintentional/accidental poisoning, and sports injuries).
 - C) Parenting skills, with specific appraisal to identify parents at risk of child abuse or neglect.
 - D) Need for and importance of immunizations.
 - E) Child care arrangements.
 - F) Dangers of use by children and effects of parental use on children of smoking, smokeless tobacco, alcohol and other drugs as well as other risk-taking behavior.
 - G) Physical activity and exercise.
 - H) Dental health.
 - I) Childhood antecedents of adult illness.
 - J) Child development (including sexual maturation and adjustment, and developmental and behavioral difficulties).
 - K) Environmental hazards.
 - L) Using community health resources such as WIC, food stamps, welfare and social services that bear significantly on health status.
 - M) Other relevant topics in response to child and/or parental concern.
- 9) Counseling and provision of appropriate treatment services and/or referral to services (including Early Intervention Services for Infants and Toddlers, special education services for crippled children, mental health services, home health and homemaker services) as needed for parents:

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- A) who have health problems that seriously affect their capacity to care for the child.
- B) whose child is seriously ill.
- C) whose child has a chronic illness or handicapping condition, or a significant behavioral or emotional problem.
- D) whose child is or is about to be hospitalized.

b) Access-related services.

- 1) Outreach services.
- 2) Translator and 24-hour emergency telephone services.
- 3) Child care services to facilitate obtaining needed health services.
- 4) Availability of services for the handicapped.
- 5) Transportation.

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)

Section 630.60 MCH-Project-Services-- Health Services For Adolescents

The Division of Family Health, Department of Public Health, State of Illinois through its Maternal and Child Health Program may allocate funds for programs providing health services for adolescents in accordance with American Academy of Pediatrics, American College of Obstetrics and Gynecology and Centers for Disease Control standards. One or more of the following MCH services may be included in application proposals for Title V and State MCH Project grant funds.

a) Services for adolescents.

1) Periodic health assessment to include:

- A) Medical history and systems review (general medical and social, family and genetic background, with items of inquiry determined by age, sex, developmental stage, and likelihood of potential problems).
- B) Psychosocial history, including school progress and problems, out-of-school activities, peer and family relationships, and health-related habits, including

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sexual activity and use of alcohol and drugs.

C) Complete physical examination ~~including~~to include:

- i) ~~Height-and-weight, with special attention to deviations from normal growth curves.~~

Height, weight, skin, head and neck, thorax, lungs, cardiovascular system, abdomen, genitalia, musculoskeletal system, nervous system, and mental status.

ii) Sexual development.

iii) Vision, hearing, and speech evaluations.

iv) Blood pressure.

D) Developmental and behavioral assessment.

E) Screening and laboratory tests as indicated, including hemoglobin/hematocrit and tuberculin skin test (Mantoux) in children from high risk groups or in areas of high endemic rates of tuberculosis; and, for adolescents at risk, such procedures as lead poisoning, parasite, and sexually transmitted disease screening and pregnancy testing.

F) Nutritional assessment and services and supplementation as needed.

2) Maintenance of immunizations according to state and nationally recognized standards including those in Section 630.80(a)(5) of this Part.

3) Family planning services with availability of extensive counseling for the adolescent, partner, and family as appropriate; and education on, among other topics, the importance of early prenatal care and risks to both mother and child of childbearing in early adolescence.

4) Pregnancy Related Services as described in Section 630.30(b) for those who are pregnant.

54) Diagnosis and treatment or referral and follow-up of general health problems, both acute and chronic.

66) Diagnosis and treatment or referral and follow-up of

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mental health problems, both acute and chronic, including emotional and learning disorders, behavioral disorders, alcohol and drug related problems, and problems with family and peer group relationships.

76) Counseling and provision of support services as needed to children with chronic illnesses and/or handicapping conditions.

87) Dental services, both preventive and therapeutic, including oral examination, prophylaxis, X-ray, and fluoride supplementation if indicated.

98) Home health services.

109) Counseling and anticipatory guidance with referrals and followup as needed to the adolescent and/or parents as appropriate.

A) Nutritional needs, including the importance of a high quality diet and the risks associated with fad diets.

B) Automobile restraints and general injury/accident prevention concepts, including sport injuries.

C) Psychosomatic complaints such as those associated with family and school difficulties.

D) Dental health.

E) Smoking, smokeless tobacco, use of alcohol and other drugs.

F) Physical activity, exercise, and sleep.

G) Relationship of health-related behaviors in adolescent to adult illness.

H) Sexual development and adjustment, male-female sexual relationships, and family life.

I) Future plans, including school and vocational plans.

J) Using community health resources such as WIC, food stamps, welfare and social services that bear significantly on health status.

K) Other topics in response to adolescent and/or family

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concern.

Counseling and provision of appropriate treatment services and/or referral to services (including home health and homemaker services) as needed for parents:

A) Who have health problems that seriously affect their capacity to care for the adolescent.

B) Whose adolescent is seriously ill.

C) Whose adolescent has a chronic illness or handicapping condition, or a significant behavioral or emotional problem.

D) Whose adolescent is or is about to be hospitalized.
B) Services-with-special-relevance-for-adolescents-at-risk-of pregnancy-or-parenthood.

1) Health-Services-for-women-of-reproductive-age-with-a special-focus-on-services-relevant-to-reproduction-(refer to-630r40)

2) Counseling-and-referral-regarding-plans-for-pregnancy continuation-or-termination.

A) For-those-electing-to-carry-to-term,-referral-for-and provision-of-prenatal-care,-Referral-to-childbirth preparation-classes-as-desired-or-to-adoption services-if-indicated.

B) For-those-electing-abortion,-referral-to-appropriate agencies-for-counseling-and-if-appropriate,-abortion services.

C) Referral-to-family-planning-facilities-for-family planning-services.

3) Special-attention-to-prenatal-services-directed-at-detecting and-preventing-low-birthweight-infants-and-maternal complications.

4) In-depth-counseling-regarding:

A) Family-and-partner/spouse-relationships.

B) Home-management-and-family-life-with-an-emphasis-on-

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preparation-for-parenthood.

6) Vocational-and-educational-plans,-including-the importance-of-remaining-in-and/or-returning-to-school.

7) Management-of-stress-associated-with-pregnancy.

8) Financial-planning.

9) Support-services-such-as-infant-and-child-day-care,-home health-and-homemaker-services,-crisis-intervention,- psychological-support-services,-and-services-to-link-the young-mother-and-family-to-community-resources-as-needed (such-as-welfare-programs,-housing-assistance,-community mental-health-centers,-vocational-counseling-and educational-agencies,-and-food-stamps.

e)b) Access-related services.

1) Outreach services.

2) Translator and 24-hour emergency telephone services.

3) Child care to facilitate obtaining needed health services.

4) Services available for the handicapped.

5) Transportation.

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)

SUBPART D: ADMINISTRATIVE REQUIREMENTS

Section 630.70 Definitions

Administration - Those activities performed by staff and costs which are supportive of and required for the project for which there is no direct client contact such as administrative staff, clerical support, rent, utilities, postage, telephone, office supplies, fiscal staff and office equipment.

Case Management - A mechanism to coordinate and assure continuity of services (health, social, educational) necessary for clients. Case management involves individualized assessment of needs, planning of services, referral, monitoring and advocacy to assist a client in gaining access to appropriate services and closure when services are no longer required. Case management is an active and collaborative process involving a single qualified case

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manager, the client, the client's family, the providers and the community. This includes close coordination and involvement with all service providers in the management plan for that client and/or family including assuring that the client receives the services.

h) Counseling - the provision of advice, guidance or instruction on the part of a knowledgeable person with the goal of meeting specific needs of individuals or groups.

i) Equipment - any non expendable item with a unit cost ~~in excess of~~ \$50-equivalent to or greater than the State of Illinois' definition for equipment, (AN ACT in relation to State finance 111. Rev. Stat. 1987, ch. 127, par. 156).

j) Follow-up - the process by which further services are rendered and/or the process by which an assessment is made concerning the outcome of an intervention plan of care or referral for further services.

High Risk - as defined in Section 640.20 of the Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640.20).

d) "Home health services" means services such as ~~include~~ the provision of medical, nursing, other therapeutic and rehabilitative services in the home; homemaker services including assistance for the family in routine household responsibilities when illness or disability interferes with such functions.

Medical Services - Those activities dealing directly with the health care of the client such as physician services, nurse practitioner services, diagnostic tests, prescription drugs, medical supplies, clinic nurses, clinic interpreters and medical equipment.

e) "Nutrition services" means services such as ~~include~~ screening/assessment of nutritional status; dietary counseling to assist people to meet their normal and therapeutic nutrition needs; nutrition education and evaluation; and provision of, or referral to, resources needed to improve or maintain nutritional health, i.e., supplemental food assistance, special feeding equipment, and food service programs.

f) Postpartum - period from the birth of the infant or termination of pregnancy and the succeeding 42 days.

e) Prenatal - period of time existing from conception of the fetus until the birth of infant or termination of the pregnancy.

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- g) Referral - the process by which an individual is directed to a resource for further service, information, or assistance.
- a) "Services for both acute and chronic health problems" means services such as ~~the~~ clinic and physician office services, emergency services, laboratory and X-ray services, provision of prescribed drugs and vaccines, and medical supplies.
- b) "Services for both acute and chronic mental health conditions" means services such as ~~the~~ clinic and physician office services, counseling and anticipatory guidance, crisis intervention services, laboratory services, and provision of prescribed drugs.

Support Services - Those activities which are supportive of patient care and in which patient contact occurs such as, public health nursing, health education, educational supplies, patient travel, social services, nutrition services and related staff travel.

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)

Section 630.80 MCH-Projects-- Standards

The MCH Program is designed to assure provision of comprehensive medical care and continuity in the health management and supervision of care to meet the health needs of mothers, infants, and children. Maintenance of standards prescribed herein and in the project plan may exceed state guidelines but may not be less, except as permitted by the Department.

- a) Personnel Staffing and Facilities
- 1) The qualifications of each person employed by the Projects shall meet, as a minimum, the Illinois Merit System Standards.
 - 2) Each project shall have a full-time project director. However, the state agency may give prior approval for the appointment of a project director who is employed less than full time where the state agency finds that such an appointment is consistent with the purposes of the program. Situations in which this could be the case include, but are not limited to, areas in which there were not adequately trained persons available on a full-time basis or if a project's scope or focus was of such a limited nature that utilization of a full-time director would not be practical.
 - 3) Staffing for projects shall be reflective of the services to

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- be provided; i.e., medical, dental, nursing, nutrition, social work, psychology, speech and hearing, physical therapy, and administration. The extent of staffing in the projects shall depend upon the project size and availability of personnel.
- 4) Project plans shall give assurance that the services will be provided by or supervised by qualified personnel. Qualifications shall be determined by reference to a merit system, established minimum qualifications, occupational standards, state and local licensing laws and specialty board requirements. Such standards, laws and requirements, shall be incorporated by reference in the application for a grant.
- 5) Standards for each project shall meet state and local licensing laws and regulations and be in accord with national and state standards such as:

- A) Hospital Accreditation References
Joint Commission on Accreditation of Health Care Organizations Hospitals
- B) Standards and Recommendations for Hospital Care of Newborn-Infants
Hospital Care of Children and Youth
American Academy of Pediatrics
- C) Care of Children in Hospitals
Guidelines for Perinatal Care
American Academy of Pediatrics
American College of Obstetrics and Gynecologists
March of Dimes
- D) Towards Improving the Outcome of Pregnancy
The National Foundation - March of Dimes
Committee on Perinatal Health
- E) Standards for Obstetric - Gynecologic Hospital Services
American College of Obstetricians & Gynecologists 6th edition 1985
- F) Standards for Ambulatory-Obstetric Care
American College of Obstetricians and Gynecologists
- FG) Standards of Child Health Care
Council on Pediatric Practice
American Academy of Pediatrics

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- G) School Health: A Guide for Health Professionals
American Academy of Pediatrics
- H) Standard of Maternal and Child Health Nursing Practice
American Nursing Association
- I) A Statement on the Scope of Maternal and Child Health
Nursing Practice, ANA
- J) Standard of Practice for the Perinatal Nurse
Specialist, ANA
- K) Standards of Community Health Nursing Practice, ANA
- L) Definition and Role of Public Health Nursing in the
Delivery of Health Care, APHA

6) If a project is planned for an area in which it is not possible to meet these standards, the best available resources shall be used. In such case, the application shall include a description of proposed remedial actions.

7) Projects are encouraged to use outpatient and inpatient facilities appropriate to the needs of the area to be served. Arrangements for provision of services must be made in advance of implementing the project. Special consideration shall be given to the provision of space for: intake interviewing and physical examinations; the projected patient load giving consideration to waiting room, babysitting services, dental facilities, records, bathroom, laboratory and for other necessary services. Space should assure privacy and efficient patient flow.

8) Projects shall utilize authorized Perinatal Centers for hospitalization of high risk maternity and newborn patients, and specialty services recognized by the Division of Services for Crippled Children, when applicable.

b) Nondiscrimination

1) Projects are to be conducted in such a manner that no persons shall be excluded from participating in, be denied the benefits of, or be otherwise subjected to discrimination under such programs on the grounds of age, handicap, race, color, creed, religion, sex, or national origin pursuant to the provision of Title VI, Civil Rights Act of 1964, (42 U.S.C. 2000e et seq.); Age Discrimination Act of 1975 (42

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U.S.C. 6101 et seq.); Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

2) Affirmative action shall be taken to ensure equality of opportunity in all aspects of employment.

3) Periodic reviews of operating procedure shall be made to assure that operating practice continues to be in conformity with the above requirements.

4) Any person has the right to file a complaint with the Department, or the U.S. Department of Health and Human Services, or both, if he believes that discrimination on the grounds of age, handicap, race, color, creed, religion, sex or national origin is being practiced. If filed with the Department the complaint shall be routed to the Director's office where it shall be reviewed and investigated by a special committee appointed by the Director. A report of final disposition shall be sent to the complainant and to the appropriate federal agency.

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)

Section 630.90 MCH-Projects-- Recordsa) Administrative

The following administrative records shall be maintained by the project for a period of three years:

- 1) All financial records of expenditures, third-party reimbursements and other project income.
- 2) An inventory records of all equipment with a unit cost in excess of \$50 purchased from project funds including (listing shall be cumulative and updated annually):

- A) A description of the item.
- B) Inventory identification (I.D.) number. This can be a manufacturer's serial number or other I.D. number, but it must be permanently affixed to the item.
- C) Acquisition date and cost.
- D) From whom purchased.

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E) Location and condition of the item. No property can be disposed of without prior written authorization of the Chief, Division of Family Health. Upon termination of a project the equipment becomes the property of the Illinois Department of Public Health.

3) Personnel records for all project staff.

4) Statistical information derived from project activities.

b) Patient Records

1) One record containing the appropriate information relative to that person's care shall be maintained on each patient.

2) A project record shall be maintained on each individual registered in the project. The record should be designed to accommodate entries by each discipline providing services for that project. Documentation showing preauthorization of services purchased by the project shall be maintained as a part of the individual's patient record. All services provided to a particular patient by each discipline must be easily reviewable by the other disciplines.

3) The record shall be useful as an administrative and health management tool.

4) Confidentiality

The following information relating to patients and persons requesting services shall be treated as confidential:

A) Names and addresses individually or by list.

B) Information contained in reports of medical examinations and treatments.

C) Information about financial resources.

D) Information contained in registers, in case records, correspondence, any forms or notations obtained from or about the individual and family concerning his condition or circumstances, including all such information whether or not it is recorded.

E) Records of state and local health department evaluations of such information.

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5) Release of Information

Information shall be kept held confidential and shall not be divulged without the individual's consent except as follows:

A) Confidential information may be released only with the parent's or patient's consent to agencies, institutions or individuals who are requested to provide maternal and child health services to the mother or child, as a part of the program of the state agency.

B) Confidential information may be released to other state or federal agencies having as their purpose the health and welfare of the mother or child for whom the patient or his parent, in his behalf, has requested services. In these circumstances the information may be released only if adequate assurances are given that:

The confidential character of the information will be preserved; the confidential information will be used only for the purpose for which it is made available; such proposals are reasonably related to the purposes of the program of the state or local agency and the functioning of the other agencies or programs; and the standards of protection established by the other agencies or programs to which the confidential information is made available are at least equal to those established by the state or local health department.

C) Information may be disclosed in summary, statistical or other form, which does not make it possible to identify any particular individual.

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)

Section 630.100 MCH-Projects-- Reports

The following reports shall be submitted:

a) Performance Reports

- 1) Federal legislation (Title V, Social Security Act of 1935, 42 U.S.C. 701 et seq.) requires the State Maternal and Child Health Program to submit an Annual Program Performance Report no later than ninety days after the end of the grant

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period. In order to comply with this requirement, the state agency must obtain an individual performance report from each MCH Project.

- 2) As part of the funding agreement with the Illinois Department of Public Health, projects are required to submit quarterly performance reports within 3015 days after the end of each the first, second, and third quarters. Annual performance reports are to be received in the Division of Family Health no later than 45 days after the end of the grant period.

- 3) Annual performance reports shall address the following points:

A) Comparison of the objectives enunciated in the approved project proposal with the actual achievements of the project.

B) ~~Changes in the projects, e.g., in facilities or equipment, services and activities, population served, etc.~~

~~C) Indicators of project productivity; e.g., clients served, encounters, referrals, tests performed, personnel trained, etc.~~

~~D) Scope and success of project outreach efforts.~~

~~E) Unresolved problems; e.g., with fiscal resources, external relationships, etc. and issues which need to be addressed in the future.~~

- 4) Quarterly performance reports shall address subsections (3)(A), (B), and (C) above.

5) ~~The requirement for an annual performance report will be waived if the grantee elects to submit cumulative quarterly reports which include information as described in 2A, B, C, D, and E above. These cumulative quarterly reports will~~

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~~include information on activities from the beginning of the grant award period through the end of each of the four quarters.~~

- 5) ~~The grantee agency shall comply with all specific program reporting requirements identified within the contract signed by the grantee and the Illinois Department of Public Health.~~

- 6) ~~The An original and one clear copy of this report shall be submitted to:~~

~~Chief, Division of Family Health
Program Administrator
Illinois Department of Public Health
535 West Jefferson Street
Springfield, Illinois 62761~~

- b) Expenditure reports (See 630.20(d) Reimbursement).

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)
Section 630.110 MGH-Projects-- In-Service Training

- a) The staff of the state Maternal and Child Health program in cooperation with the local MCH project staff will may conduct in-service training programs for project personnel. Staff involved in the delivery of client services are required to attend.

- b) Project staff are encouraged to attend and participate in appropriate educational programs of professional organizations.

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)

Section 630.120 MGH-Projects-- Evaluation

Projects will be evaluated at least annually by the state Maternal and Child Health staff and their designees to review the program's progress according to stated goals, measurable and measurable objectives and administrative operations.

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)

Section 630.130 MGH-Projects-- Use of Project Funds

- a) When approved in the plan and budget, funds may be used for the direct costs of operating and maintaining the project. The following direct costs may be incurred:

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- 1) Salaries, including fringe benefits for full or part-time personnel employed for the project. The rates for personal services and fringe benefits shall be comparable to that paid to other employees of the agency.
- 2) Fees for consultants and specialists.
- 3) Travel of personnel, consultants, and specialists in carrying out the activities approved in the plan. Reimbursement shall be made in accordance with established delegate agency policies.
- 4) Transportation of patients at the usual rates for the mode of travel that is consistent with the needs of the patient.
- 5) Supplies, including biologics, drugs, blood, oxygen, X-rays, laboratory services, etc., as required in the operation of the project. The cost of supplies shall not exceed the lowest charge levels at which they are generally available in the area.
- 6) Rental of privately owned facilities where adequate space cannot be provided by the grantee agency. Rental charges shall not exceed the lowest rate for comparable space within the community as supported by bids.
- 7) Purchase of outpatient care including services from other community resources such as homemaker, visiting nurses, etc. For all grantees whose projects provide for payment of medical care or appliances the grantee must provide a schedule of allowable rates for these services, in addition, there must be a description of the methodology used in assuring that these rates are reasonable and necessary to maintain the standard for personnel and facilities established for the projects. These services at Public Aid rates established pursuant to the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, par. 1-1 et seq.) and must have assurance that the vendor accepts this as payment in full for financially eligible clients.
- 8) Purchase of hospital inpatient care services for high risk women and infants, in designated perinatal centers and for equipped children.
- 9) Equipment used in the operation of the project excluding the purchase of vehicles.
- 10) Other expenditures directly related to the provision of

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- project services such as telephone service, mimeographing, utilities, etc. Purchases of items or services that do not vary significantly in quality from one supplier to another shall not exceed the lowest charge levels at which they are available in the area. A description for prorating costs must be provided.
- b) Project funds shall not be used to pay the following:
 - 1) Inpatient care services other than inpatient services provided to high risk women and infants and to crippled children, except when determined to be in the best interest of the projects by the Chief of the Division of Family Health approved by the Chief of the Division of Family Health. Request must be in writing and approved in advance.
 - 2) Purchase, construction, or renovation of buildings.
 - 3) Dues to societies, organizations, or federations.
 - 4) Entertainment costs.
 - 5) Indirect costs. (This is not meant to preclude the charging of administrative costs but simply requires that those costs charged be demonstrably related to the project and budgeted.)
 - 6) Cash payments to intended recipients of health services.
 - 7) Abortions.
 - 8) Purchase or repair of vehicles.
 - 9) Lobbying.
 - 108) Any other costs not approved in the plan and budget.
 - c) Administrative costs shall not exceed 15% of the total grant award. For grants requiring a medical component, that component should be at least 45% of grant award. Any deviation from this must be approved in writing by the Director of the Illinois Department of Public Health after a review of the circumstances which would require such an exception. The Department will consider the following in determining whether to grant an exception: the nature of the project, ability to find resources in the community which will meet part of the needs of the project and thus invalidate the percentages, a targeting of the resources toward one particular component or identified unmet need by the

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- 3) Without regard to age, handicap, sex, race, religion, nationality, ethnic background, or marital status.
- 4) To certain categories of patients who reside outside the geographic area served by the project such as school age pregnant girls or migrants who may require and seek services rendered by the project. Program patients who move to a neighborhood outside of the project's geographic boundary may continue in the project if the program director considers this in the patient's best interest.
- 5) Documentation of spenddown or denial of Public Aid eligibility for reasons other than failure to comply with Public Aid processes, must be maintained in the case file for covered services.

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)
Section 630.160 MCH-Projects-- Availability of Services

- a) Direct Services
 - 1) Consideration shall be given to the socioeconomic and cultural backgrounds of both children and their parents in developing a personalized approach to service delivery.
 - 2) All services provided directly by the projects shall be made available on a voluntary basis to all patients accepted into the program of care.
- b) Indirect Services and Authorization of Payment for Services

The projects may make provisions to arrange and pay for additional services needed by the eligible patient if they cannot be provided by the project and are required as part of the total care needed by the patient.
- c) Other Services
 - 1) Patients having medical conditions which are not related to the intended purpose of the projects shall be referred to appropriate sources of care (see Utilization of Community Resources 630.170). Speciality programs of the Division of Services for Crippled Children are to be utilized wherever feasible, with no attempt on the part of the projects to duplicate these or other programs serving mothers and children.

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grantee which clearly will inhibit the ability of the grantee to carry out the project.

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)

Section 630.140 MCH-Projects-- Program Income

- a) Program income is defined as gross income earned by a delegate agency from activities which are performed as a result of that delegate agency having received a grant from the Illinois Department of Public Health. It includes fees for services performed or proceeds from usage or rental fees or the sale of property. Revenues received from taxes, levies, fines are not considered program income.
- b) All projects shall have agreements with the Illinois Department of Public Aid's Medical Assistance Program for reimbursement of covered services for project patients who are Title XIX recipients. Steps shall be taken to obtain reimbursement from non-profit, semiprivate, and private medical insurance programs, when these programs cover services rendered by these projects.
- c) Program income shall be retained by the delegate agency and included in the project budget.
- d) Each project may elect to charge eligible recipients for certain services provided by the project; however, a flexible sliding fee scale must be utilized and included for approval in the project application process prior to any fees being charged.

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)
Section 630.150 MCH-Projects-- Eligibility for Services

- a) It is intended that persons receiving services through the projects be those who are financially unable to provide required medical care for themselves.
- b) Services shall be made available:
 - 1) Without any requirement for legal residence except that the patient is currently living in the area served by the program, or if outside by special permission of the project director.
 - 2) Upon referral from any source including the patient's own application.

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- 2) Transportation may be provided to needy project patients through public facilities where available, project operated buses, and/or preauthorized taxi, and ambulance services, or other preauthorized modes of transport. Rates of reimbursement shall be at the rate allowed by the agency.
- 3) Special services such as baby sitting, housekeeping, nursing home care may be provided to eligible project clients.

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)

Section 630.170 MGH-Projects-- Utilization of Community Resources

It shall be the responsibility of each project director to coordinate the services provided through the project with other sources of care in the community, such as:

- a) The Illinois Medical Assistance Program.
- b) Local Health Departments.
- c) Neighborhood Health Centers.
- d) Regional Local Child Development Clinics.
- e) Division of Services for Crippled Children.
- f) Local Hospitals.
- g) Local Children and Family Services Programs.
- h) Local Schools.
- i) Vocational Rehabilitation Services.
- j) Regional Perinatal Centers.
- k) Local Early Intervention Programs for Infants and Toddlers with Handicaps.
- lk) Other related social service agencies.

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)

Section 630.180 MGH-Projects-- Abortions and Sterilizations

- a) No Maternal and Child Health program funds shall be used to perform abortions except where the life of the mother would be

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endangered if the fetus were carried to term. It is not, however, intended to prohibit projects from conducting medical procedures necessary for the termination of an ectopic pregnancy or for the treatment of rape or incest victims, nor is it intended to prohibit the use of drugs or devices to prevent implantation of fertilized ova.

- b) Surgical procedures for voluntary sterilization shall be provided or arranged and paid for in accordance with 42 CFR 50.201 (et seq.).

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)

Section 630.190 MGH-Projects-- Reasonable Cost

Reimbursements to hospitals shall not exceed the amount determined to be reasonable under Sec. 1861 (V) Social Security Act (42 U.S.C. 1395v) and in accordance with Sec. 1122 Social Security Act (42 U.S.C. 1320a) (nonapproved capital expenditures).

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)

Section 630.200 MGH-Projects-- Preparation of Applications

a) Eligibility:

- 1) All public or private agencies recognized by the Illinois Department of Public Health as possessing a demonstrated capability of directing such projects are eligible for MCH Project Grants.
- 2) The following varieties of program implementation are acceptable:
 - A) Program implemented exclusively by the grantee agency;
 - B) Program implemented by the grantee agency in association with another community agency or agencies;†
 - C) Program implemented by a community agency under contract to the grantee agency which maintains supervision and holds responsibility;
 - D) Program implemented by several agencies on a coordinated regional basis.
- 3) The General Assembly may, from time to time, appropriate

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state and federal funds for particular agencies or categories of agencies to provide MCH services, such as for local health departments to offer prenatal care services.

b) Application Development:

All applicants are urged to discuss their interests and ideas for developing programs early in the planning stages with the Division of Family Health. Applications may include one or more of the health service categories outlined in Sections 630.30 through 630.60. Staff of the Division of Family Health are available to assist applicants in planning programs meeting these guidelines. Applicants should refer to Sections 630.80 through 630.200 for further description of the standards for all MCH Projects.

c) Project Narrative:

The narrative section of the project application or plan shall contain the following elements and must address each item listed below:

- 1) Title of project.
- 2) Problem: The health and related problems or needs which the project will address shall be identified.
- 3) Characteristics of the area:
 - A) Program plans shall specify the geographic areas or political jurisdictions which are in need of services. These can be census tracts, school districts, cities, counties, etc.; and should be areas with concentrations of low-income families. Concentration does not necessarily refer to demographic factors, but to the proportion of low-income families to a defined population.
 - B) Particular attention should be given to areas and census tracts in cities where maternal and child health services are inadequate due to overcrowding of facilities; where many women receive little or no care; and where maternal and infant mortality, morbidity, and prematurity rates are high, and the number of infant deaths is excessive. Particular attention also should be given to rural areas and economically depressed areas where the needs of maternity and infant patients are not being met.

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- C) Latest available demographic and other statistical and descriptive data on the area to be served shall be provided as applicable. Examples of such information include:

- i) population (sex, age, race and ethnic data should be included);
- ii) geography;
- iii) financial status/median income;
- iv) socioeconomic class;
- v) percent of public aid recipients;
- vi) population turnover (mobility);
- vii) prevalence of families with female head only;
- viii) birth rate: overall; teenage; and out-of-wedlock;
- ix) maternal mortality;
- x) infant mortality;
- xi) morbidity and mortality through age 19;
- xii) distribution of medical and allied health services and personnel;
- xiii) other indicators of the overall health status of the community.

- 4) Objectives: Clearly stated measurable short-term (current grant year) and long-term objectives of the proposed project and a schedule for when they will be achieved shall be provided on the "Plans to Achieve Objective" Form. Criteria for the by-which successful achievement of each objective must be included as well as the source of information to be used to evaluate success. The objectives shall be measurable and shall relate to specific aspects of the program. Examples are:--to reduce excess maternal and infant mortality rates; to decrease the incidence of premature delivery; or to reduce morbidity, mortality and disability among children and youth.

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5) Resources available:

A) A description of the applicant agency's capability to conduct a program of the scope envisioned, describing the health and social service facilities, agencies, programs, etc., in the community and the proposed relationship of these resources to the program shall be provided. Working letters of agreement signed by both parties shall be included in support of any referral arrangements.

B) Services in outpatient and inpatient facilities, appropriate to the needs of the area to be served, shall be arranged for in advance of initiating program services. Facilities shall be designed to expedite efficient patient flow, and to assure the privacy and dignity of the individual.

6) Program operation: Plans for program implementation and operation shall be described with regard to achieving stated program objectives.

A) Patient load: Estimates of the number of women, children and infants to be served by the program shall be included. This shall be provided separately for each category of service and group of clients to be served.

B) Location of Services: The locations and the types of services which will be provided by participating hospitals, clinics, private physicians, dentists, and other health and support resources shall be included.

C) Description of Services: The pediatric, maternal, family planning, dental and other services to be offered, with emphasis on those services which are not presently available to all segments of the community shall be described.

D) Comprehensiveness:

i) The program shall describe the comprehensive array of services necessary to assure optimal care within the service areas identified in the project, i.e., prenatal care, child health, adolescent health services, etc. Provisions shall be made for the development of a care plan for each client that assures effective

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interdisciplinary provision of services. Comprehensive means completeness to ensure that all needed services are available and integrated so that services are rendered in an orderly fashion, with an emphasis on assuring continuity of care.

ii) Comprehensive health care includes not only physical examination and laboratory services but also nursing, social work, nutritional, dental and other health and support services as appropriate.

iii) Standards and guidelines shall be developed so as to be specific for each group serviced using standards such as those outlined in Section 630.80. Criteria for high risk classifications shall be included and shall be consistent with these references as well.

iv) The patient care plan shall take into account utilization of other health care resources necessary to assure optimal, continuous and complete maternal and infant care. Necessary arrangements for transportation, babysitting or homemaker services shall be described. Written procedures shall be developed by the project to assure that necessary health care will be provided including working letters of agreement signed by all required parties.

E) Intake procedures: The intake procedures to be utilized i.e., appointments, walk-in combination, or other, including appropriate assurances that medical care and services will be delivered promptly shall be provided.

F) Follow-up: Program plans shall outline the specific procedures which will be implemented to assure adequate follow-up services. Arrangements for follow-up services not directly rendered by the program should be described to assure that these recipients receive necessary services.

G) Referral: The patient care plan shall provide for utilization of other health care resources necessary to assure continuous and complete care. Written procedures shall be developed by the project to assure

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that necessary health care and support will be provided pre-vised and that standard referral procedures will be followed. Written agreements between agencies shall be developed and included with the application.

- H) Outreach: Plans for outreach such as home visits; health education to individuals or groups, including community organizations and use of mass media shall be described.

7) Organization:

- A) The administrative structure and staffing pattern of the program, including organization charts, job descriptions for all positions, and curricula vitae for core personnel shall be provided.
- B) Applicants shall give assurance that the services will be provided by or supervised by qualified personnel. Qualifications shall be determined by reference to merit system, established minimum qualifications, occupational standards, state and local licensing laws and specialty board requirements. Such standards, laws and requirements, shall be incorporated by reference in the grant application. Copies of current licenses or certificates shall be maintained on file with the grantee.

- C) Copies of insurance coverages shall be maintained on file including malpractice coverage.

8) Target group and eligibility requirements:

- A) Descriptions of the target population within the service area and how the services are designed especially for this group shall be included.
- B) Income standards may-be-developed for eligibility for services shall be 185 percent of the federal poverty guidelines (see 55 Fed. Reg. 5664, February 16, 1990). These are to be applied flexibly with due regard to family size and income and the family's other financial responsibilities in relation to the cost of required care.
- C) A schedule of rates of payment for services shall be included in the grant application and shall be made

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known to patients at the time of admission interview and be applied flexibly after approval by the Illinois Department of Public Health. Approval will be based upon a cost analysis methodology which can be demonstrated to the Department.

- D) Estimates of the percentage of the population eligible for all categories of services shall be provided listing the criteria to be used in deciding who is to receive services.

- E) The project director or a member of the project staff designated by him shall determine patient eligibility by taking into account the criteria listed below. Services shall be available:

- i) Without any requirement for legal residence except that the patient currently is living in the area served by the program.
- ii) Upon referral from any source including the patient's own application.
- iii) Without any requirement for court commitment as a prerequisite for any part of the care.

- F) The method proposed for authorizing services allowable under project policies shall be described in the project plan. Authorization for services for which payments are made from project funds, shall be maintained by the grantee. A form for each patient shall show the services authorized, and the amounts expended for the specific types of services approved.

- G) The grantee shall give assurance that:

- i) Services shall be available only to recipients because they are from low-income families or cannot access services for other reasons beyond their control.
- ii) Services shall be available to recipients from outside the project area only if approved by the project director.
- iii) Services shall be available to recipients who are not from low-income families only if such care does not reduce the delivery of necessary

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services to recipients from low-income families.

- 9) Patient record system: A description of procedures designed to insure that accurate and up-to-date health records will be initiated and maintained for each patient shall be included. The records shall include a complete medical history, growth charts, results of each medical examination, screening procedures, laboratory tests, a summary of instructions given to patients or parents, a list of medications prescribed, and all relevant health, patient education, social services and environmental information. Records shall be confidential. With the patient's consent, copies of medical records may be furnished to hospitals or other health care providers.

- 10) Evaluation of project activity: The methods proposed for assessing the progress of the program toward meeting its stated objectives shall be described.

- 11) Sub-contracts: Arrangements with other agencies or health care providers who will deliver a portion of the project's services, including copies of any contracts or agreements with outside providers shall be provided.

- 12) Third-party Reimbursement and Other Sources of Funds:

- A) Additional program services may be furnished to larger numbers of patients by securing third-party reimbursement or other sources of funds. A project shall make every reasonable effort to collect from third-party sources (including government agencies) which are authorized or under legal obligation to make such payments. Approval will be made by the Department when the income is budgeted into the project and meets the standards in subsection (c)(8)(B).

- B) Patients, who would not otherwise receive services for reasons beyond their control, may receive and be charged for services only if the provision of such services does not reduce the delivery of necessary services to the low-income patients. In those instances where charges are made for services provided to patients who are not from low-income families, such charges shall be applied flexibly with due regard to family size and income and the family's other financial responsibilities in relation to the cost of required care and shall be approved by IDPH before

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implementation.

- 13) Regional and Local coordination:

- A) In accordance with recommendations of the American Medical Association, the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics, services for non-high risk as well as high risk mothers and infants shall be developed as a part of overall regional planning. Such regional coordination may involve the crossing of state boundaries. Copies of the application shall be submitted for review and comment to the official statewide health planning agencies.

- B) When the provision of services or programs requires an advisory group composed of community representatives whose function is to make recommendations for awarding funds to subcontractors, membership shall be restricted to persons not having a fiduciary interest in, not serving in a policy making position for, and not working as a staff member for any applicant agency.

- 14) Supporting data and additional information: Additional relevant information to support the proposal shall be provided, including working letters of agreement from all participating agencies, and pertinent letters of support.

- d) Budget:

- 1) All applicants shall submit a detailed budget proposal for each project period as part of the project application for new applicants or with the progress report and any proposed plan revision for continuing projects. The budget proposal shall be submitted on forms provided by the Division of Family Health, and shall include all information and signatures required in the instructions. The basic format may be adapted by the individual project to meet its particular programmatic needs.
- 2) The budget is divided into major categories of cost. Not all categories will apply to all projects. In preparing its budget, each project should use only those budget categories applicable to its own operations.
- 3) Budget categories are further divided into line items which specify the amounts for each item of expense allowable under the budget.

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- 4) In some agreements between the State Agency and the delegate agency as subgrantee, local funds supplement the project effort. The local share may be in the form of cash contributions, or may ~~but it is more likely to be the "in kind" valuation placed upon goods, services, physical facilities, etc., directly benefiting or specifically identifiable to the grant supported activity.~~

e) General Requirements and Assurances:

Each project grant application shall contain assurances that:

- 1) The grantee shall implement the program within three months of the date when authorization to proceed is given. Funds for programs not implemented within three months shall revert to unawarded status, unless a written extension request is approved.
- 2) For any program developed under the stated alternative method of implementation, (See Section 630.200(a)(3) the grantee agency shall retain sole responsibility for program implementation and fiscal accountability.
- 3) The grantee agency shall allow periodic on-site review of its programs and records including those of its subcontractors by the staff of the Division of Family Health or their authorized representatives.
- 4) The grantee agency shall submit quarterly performance reports to the Division of Family Health within thirty ~~thirteen (13)~~ days of the end of each ~~of the first three~~ quarters. The final annual report is due within 45 days of the end of the project period. All other specified reports shall be submitted within identified time lines.
- 5) Forms used to authorize services, for which payments are made from project funds shall be maintained by the grantee. A form for each patient shall show the services authorized, date of authorization, and the amounts expended for the specific types of services approved.
- 6) Payment for high risk inpatient hospital services at perinatal centers designated in accordance with the Regionalized Perinatal Health Care Code (77 ILCS Adm. Code 640 shall be based on the lesser of reasonable cost of services (See Section 630.190) or the customary charges to the general public for such services.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 7) Grantees shall not amend the application for which the grant was approved without prior written permission from the Department.
- 8) The applicant shall maintain adequate records to show the disposition of all grant funds expended for activities for which the grant was made. All records shall be retained for three years after the close of the fiscal year in which the grant was made and shall be made available for audit purposes upon request of the Department.

- 9) Attention is called to the requirements of Title VI, of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq., the Age Discrimination Act of 1975, the Rehabilitation Act of 1973 and Title IX of the Education Amendments of 1972 which provide that no person in the United States shall, on the grounds of age, handicap, race, color, creed, religion, sex or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance. All services provided by the applicant shall be made available without discrimination on the grounds of age, handicap, race, creed, religion, sex, marital status, national origin or duration of residence. Professional liability insurance must be in place and on file for all personnel providing service.

- 10) Grantees shall use grant funds in addition to, rather than in lieu of, existing local or other State or federal funds currently available for the purposes approved in the grant award. Existing funds which are currently available are those which have been available at least during the budget period immediately preceding the period for which funds are being requested and will also be available during the period for which the funds are being requested.

- 11) Failure by the grantee to comply with these requirements, site review recommendations or grant conditions will may be cause for discontinuance of funds or termination of the grant.

f) Continuation Application:

- 1) For continuation applications, an annual progress report, and budget and an abbreviated narrative describing the service model for the upcoming fiscal year must be submitted. Any proposed revisions to the project plan must be submitted in detail. This must include projected

DEPARTMENT OF PUBLIC HEALTH

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caseloads, and updated objectives on prescribed forms ~~annually with the budget proposal.~~

- 2) The annual progress report shall describe the accomplishments since the beginning of the project or since the last annual progress report, and may include charts, graphs or tables in addition to the narrative report. Progress shall be related to stated objectives. Proposed revisions to the project plan shall be submitted as separate documents revising specific sections of the approved narrative.

g) Revisions

- 1) Any changes in the project narrative, objectives, caseload or budget must be submitted in writing to the Illinois Department of Public Health, Division of Family Health prior to implementing the change. All proposed changes must include a description of the change and justification for the change. Budget revisions should specify the amount of dollars involved and the type of change. When budgetary changes are requested revised budget pages shall be submitted. Telephone requests for emergency changes will be considered individually. Approved telephone requests must be followed by written documentation as described above prior to reimbursement.

- 2) Grantees shall be notified in writing when revisions are required by the Division in any matter related to the administration of the projects including but not limited to changes in funding levels.

- 3) There are three possible types of budget revisions:

- A) Adjustment - The total amount of the budget remains the same. Funds are shifted within the budget between line items and/or budget categories.
- B) Supplement - The total amount of the budget is increased by adding funds to specific budget categories and line items, or by creating new line items.
- C) Reduction - The total amount of the budget is decreased by reducing or eliminating line items or budget categories.

h) Termination

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- 1) All grants shall terminate on the dates specified in the contracts and shall not be extended or renewed except as provided for in Section 630.20(b)(1)(C).

- 2) A grantee who has substantially failed to comply with this Part and the grant award as documented at site reviews for two consecutive years will have funding terminated. Substantial failure for the purpose of this Section shall mean failure to meet requirements other than a variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. The grant contract may be terminated by either party upon a 30 day written notice. Unallocated monies will be used to expand existing projects or to fund new projects in underserved areas.

- 3) The Director, after notice and opportunity for hearing to the grantee, may suspend or terminate the grant in any case in which he/she finds that there is or has been a violation of this part.

- 4) Such notice shall be effected by registered mail, by certified mail, or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 15 days from the date of such mailing or service, at which time the delegate agency shall be given an opportunity for a hearing. Such hearing shall be conducted by the Director or by an employee of the Department designated in writing by the Director as Hearing Officer to conduct the hearing. On the basis of any such hearing, or upon default of the delegate agency, the Director shall make a determination specifying the findings and conclusions. A copy of such determination shall be sent by registered mail, by certified mail, or served personally upon the grantee. The decision shall become final 35 days after it is so mailed or served, unless the grantee, within such 35 day period, petitions for review pursuant to Section 635.200.

- 5) The procedure governing hearings authorized by this Part shall be in accordance with Rules and Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

- 6) If, however, the Department finds that:

- A) The public interest, including financial interest, health safety, or welfare requires emergency action (emergency action would result from such instances as, but not limited to, bankruptcy and/or insolvency,

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fraud, and financial instability); and

- B) Unless the Department receives documentation that the grantee's assets are sufficient to meet the grantee's liabilities in the form of a certified financial statement; and
- C) If the Director incorporates a finding to that effect in the order; then
- D) Summary suspension of the grant shall be ordered pending proceedings for termination or referral to State or Federal authorities, which proceedings shall be instituted within one week of summary suspension and promptly determined.

7) In no case where summary suspension has been ordered shall reimbursement be made to the delegate agency for costs incurred or funds expended after the date of summary suspension unless, after conclusion of the proceedings, such reimbursement or payment is ordered by the hearing officer, administrative law judge or court of competent jurisdiction.

(Source: Amended at 14 Ill. Reg. 11219, effective July 1, 1990)

Section 630.210 Review under Administrative Review Law

Whenever the Department suspends or terminates a grant the grantee may have such decision judicially reviewed. The provisions of the Administrative Review Law, (Ill. Rev. Stat. 1989, ch. 110, par. 3-101 et seq.) and the rules adopted pursuant thereto shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder.

(Source: Added at 14 Ill. Reg. 11219, effective July 1, 1990)

DEPARTMENT OF PUBLIC HEALTH
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Appendix A MCH Grant Proposal Review Form

MCH Grant Proposal Review Form
Division of Family Health
New Applicant

Grant Title: _____

Proposal Submitted by: _____
(Agency Name)

Rating: In each of the following categories please rate the proposal according to the information provided in the written submission, with five being high and one being low; circle the desired rating.

Category

Rating

1 2 3 4 5

I. Merit of this proposal in addressing the purpose and criteria for the grant (refer to scope and standard of services in the Rules and Regulations).

- a. Narratives
b. Objectives
c. Resources/Program Operation
d. Comprehensiveness
e. Target Group/Eligibility
f. Budget (general review only)

1 2 3 4 5

II. Ability of the agency to provide services at a comprehensive single site or adequately coordinate those services with other community agencies. This should include staff capabilities (or capabilities to hire appropriate staff), physical facilities and fiscal management capabilities.

1 2 3 4 5

III. Level of community support for project and maximum use of other funding sources.

IV. General Comments:

a. _____

b. Overall score of this application _____

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NOTICE OF ADOPTED AMENDMENTS

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V. Conditions of Award if Funded:

MCH Grant Proposal Review Form
Division of Family Health
Continuation Application

Grant Title: _____
Proposal Submitted by: _____ Agency Name: _____
Amount of Assistance Requested in this Application: _____
Current Fiscal Year Funding Level: _____

Ratings: In each of the following categories please rate the proposal according to the information provided in the written submission in the performance report with five being high and one being low; circle the desired rating.

Category

Rating

- | | | | | | |
|--|---|---|---|---|---|
| I. Previous performance based on materials provided by program administrator (site review and summary of previous statistics and fiscal data). | 1 | 2 | 3 | 4 | 5 |
| II. Merit of this proposal in addressing the purpose and criteria for the grant (Scope and standard of services described in the Rules and Regulations). | 1 | 2 | 3 | 4 | 5 |
| III. Reevaluation of need for services within the area of service (refer to Rules and Regulations). | 1 | 2 | 3 | 4 | 5 |

Signed: _____
Dated: _____

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH
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ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTSGeneral Comments:

I. Are there particular strengths or weaknesses in the proposal? Please elaborate:

II. Does this proposed budget need revision or further explanations? Please elaborate:

Summary:

- I. Overall rank of category reviewed by this reviewer. Continuation grants in this
- II. Overall score for this continuation application
- III. Stipulations (if any):

IV. Recommended grant award of \$

Signed: _____

Date: _____

(Source: Added at 14 Ill. Reg. 11219 effective July 1, 1990)

Appendix B Illinois Department of Public Health Reimbursement Certification FormILLINOIS DEPARTMENT OF PUBLIC HEALTH
REIMBURSEMENT CERTIFICATION FORM

PAGE 1

AGENCY NAME

ADDRESS

FED. NUMBER

PROGRAM

CONTRACT #

BILLING PERIOD

DATE SUBMITTED

NAME/ADDRESS	PERIOD/DATE	AMOUNT/	AMOUNT/	AMOUNT/	AMOUNT/

CERTIFICATION:

I hereby certify that the above described services were performed in accordance with the terms of the contract and that a copy of the contract is being submitted herewith. I also certify that the above described services were performed in accordance with the terms of the contract and that a copy of the contract is being submitted herewith.

Submitted Agency Official

(Source: Added at 14 Ill. Reg. 11219 effective July 1, 1990

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Appendix C Instructions for Completing Reimbursement Certification Form

August 1987

IDPH-OFFICE OF HEALTH SERVICES

Instructions for Completing the
Reimbursement Certification FormAgency Name:

Fill in your agency's name, address and PIN (Federal Employer's Identification Number or in the case of Local Health Departments, the Comptroller assigned County Identification Number) as it appears in the contract/grant agreement.

Program:

Fill in the name of the Department program for which you are requesting reimbursement.

Contract #:

Fill in the contract number (located in the upper right hand corner of the executed contract/grant agreement).

Billing Period:

Fill in the period covered by the request. The period shown should include the earliest date goods/services were ordered through the latest date services were provided. This period will be used by Department staff to determine proper state, federal and/or project fiscal year. You must submit separate Reimbursement Certification Forms for different state, federal and/or project fiscal years. If you have questions, please consult with Department program or fiscal staff.

Date Submitted:

Fill in date Reimbursement Certification Form is completed or sent to IDPH.

Name/Vendor:

Enter the name of the employee, business or other payee to whom payment was made.

Title/Purpose:

For payroll, enter the title of the employee; for other items, briefly describe the goods or service purchased. (Please provide enough information so that program staff can determine appropriateness of program).

Period/Date Incurred:

For payroll, enter the period covered; for other items, enter the date the goods or services were received. In the case of supplies, equipment and other specific deliverables, it is a good idea to also note the date the order was made. This will assist program/fiscal staff to determine the proper state and/or federal fiscal year to be charged. This is required for all supplies and equipment received in lapse periods (after the end of the state or federal fiscal year).

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Voucher/Check Number:

Enter the voucher or check number for the payment. This establishes the audit trail and is necessary to verify that payment has been made.

Gross Amount:

Enter the total amount of the check identified previously or for payrolls the gross pay for the employee.

Amount Claimed from IDPH:

Enter the amount applicable to the program for which this Reimbursement Certification Form applies and for which you are requesting reimbursement.

Agency Match/ WIC Admin.:

For those programs which require the agency to provide matching support of Department expenditures, enter the amount of agency supplied match in this column. In most cases this will be a part of the difference between the Gross Amount column and the Amount Claimed from IDPH.

For the WIC program, each agency must identify the allocation of expenditures to either WIC Administration or Nutrition Education. Since there is no matching requirement for WIC, the last two columns are to be used to show this allocation.

To further assist Department program/fiscal staff, please list reimbursements by line item and show a sub-total for each line item.

In many cases, multiple pages will be necessary. In order to save some paper/copying charges, both sides of the Reimbursement Certification Form may be used. Please show the TOTAL on the final page only.

After review and approval, the authorized agency official shall sign the certification (only the final page which shows the TOTAL needs to be signed).

Forward the original and three copies of the Reimbursement Certification Form to:

Illinois Department of Public Health
Office of Health Services, Fiscal Operations Unit
335 West Jefferson, 2nd Floor
Springfield, IL 62761

The Office of the State Comptroller no longer requires vendors to sign or otherwise certify to expenditures on the State of Illinois Invoice-Voucher, Form C-13; therefore, the Reimbursement Certification Form is all that is required to be submitted. The Department fiscal staff will complete the C-13 using information from your Reimbursement Certification Form.

SD/dm
8/12/87

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

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Appendix E Application and Plan for Public Health Program Grant

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
535 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
APPLICATION AND PLAN FOR PUBLIC HEALTH PROGRAM GRANT

APPLICATION AND PLAN FOR PUBLIC HEALTH PROGRAM GRANT

PROGRAM NARRATIVE OR PROGRESS REPORT

1. PROGRAM TITLE: _____
BRIEF SUMMARY: _____

INSTRUCTIONS: Please complete a narrative in accordance with the instructions found in "Rules and Regulations" for the specific project for which you are requesting funds. If this is a continuation application, please use this page as a progress report in accordance with instructions in the "Rules and Regulations". Following the narrative, please attach a listing of all sites of service and their addresses for this project.

2. APPLICANT ORGANIZATION: _____
NAME: _____
ADDRESS: _____
TELEPHONE: () _____
FED. NUMBER: _____
PROJECT DIRECTOR: _____
FINANCE OFFICER: _____
3. APPLICANT CERTIFICATION: _____
To the best of my knowledge, the data and statements in this application are true and correct. The applicant agrees to comply with all State/Federal statutes and Rules/Regulations applicable to the program.
AUTHORIZED OFFICIAL: _____
-348- SIGNATURE _____
4. TYPE OF ORGANIZATION:
☐ LOCAL HEALTH DEPARTMENT
☐ PRIVATE NON-PROFIT AGENCY
☐ OTHER _____
5. GRANT SUPPORT REQUESTED:
BEGINNING _____ ENDING _____ AMOUNT _____
6. TYPE OF APPLICATION:
☐ INITIAL ☐ CONTINUATION ☐ REVISION
7. LEGISLATIVE DISTRICT:
CONGRESSIONAL _____
LEGISLATIVE _____
(State Senate)
REPRESENTATIVE _____
(State Representative)
8. DATE OF SUBMISSION:
Month _____ Day _____ Year _____
9. IMPORTANT NOTICE:
This state agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under Illinois Revised Statutes, Ch. 127, Par. 137 et. seq. Failure to provide this information may prevent this form from being processed. This form has been approved by the Forms Management Center.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

1987 ACTION AND PLAN FOR PUBLIC HEALTH PROGRAM GRANT

APPLICATION AND PLAN FOR PUBLIC HEALTH PROGRAM, 1958-59									
DETAILED BUDGET FOR THIS PERIOD				DATE FROM:		THROUGH:		SOURCE OF FUNDS	
(TOTAL COST)	MONTHLY SALARY RATE	NUMBER MONTHS BUDGETED	PERCENT TIME	BUDGET TOTAL FOR PROGRAM	C			TOTAL	
					1	2	3		
					APPLICANT	ASSISTANCE	OTHER		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

... .. AND PLAN FOR PUBLIC HEALTH PROGRAM GRANT

APPLICATION AND PLAN FOR PUBLIC HEALTH PROGRAM CONT.			
DATE FROM:		THROUGH:	
SUMMARY BUDGET FOR THIS PERIOD		SOURCE OF FUNDS	
Budget Total For Program	Applicant And Other	Assistance Requested	Amount
1. PERSONAL SERVICES			
2. CONTRACTUAL SERVICES			
3. SUPPLIES			
4. TRAVEL			
5. PATIENT CARE			
6. EQUIPMENT			
7. TOTAL DIRECT COSTS			
SOURCES OF FUNDS = APPLICANT & OTHER		MATCHING OR COST	
CATEGORY ONLY		PARTICIPATION REQUIREMENTS	
CODE		OTHER	

FUTURE BENEFITS (P. 2)

CASH ON HAND

USE ADDITIONAL SHEETS IF NECESSARY

USE ADDITIONAL SHEETS IF NECESSARY

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

APPLICATION AND PLAN FOR PUBLIC HEALTH PROGRAM GRANT

DATE FROM: THROUGH:

DETAILED BUDGET FOR THIS PERIOD:

BUDGET TOTAL FOR PROGRAM (3)	C APPLICANT AND OTHER (4)	AMOUNT ASSISTANCE REQUESTED (5)
1. CONTRACTUAL SERVICES: Itemize		

CATEGORY TOTAL \$ 1

2. SUPPLIES: Itemize

CATEGORY TOTAL \$ 1

3. TRAVEL: Itemize

Mileage (Rate per mile:)
Lodging
Meals/Per Diem
Commercial Transportation
Other:

CATEGORY TOTAL \$ 1

USE ADDITIONAL SHEETS IF NECESSARY

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

APPLICATION AND PLAN FOR PUBLIC HEALTH PROGRAM GRANT

DATE FROM: THROUGH:

DETAILED BUDGET FOR THIS PERIOD:

BUDGET TOTAL FOR PROGRAM (3)	C APPLICANT AND OTHER (4)	AMOUNT ASSISTANCE REQUESTED (5)
5. PATIENT CARE:		

CATEGORY TOTAL \$ 1

6. EQUIPMENT: Itemize

CATEGORY TOTAL \$ 1

7. TOTAL COSTS \$ 1

USE ADDITIONAL SHEETS IF NECESSARY

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

APPLICATION AND PLAN FOR HEALTH SERVICES GRANT
DATE FROM: THROUGH:

BUDGET JUSTIFICATION

INSTRUCTIONS: Show justification for specific items or categories listed in the detailed budget for which the need is not self-evident. Justifications should clearly indicate that the items being requested are essential to the achievement of the stated project objectives and the conduct of the proposed procedures.

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Pari-Mutuels
- 2) Code Citation 11 Ill. Adm. Code 405
- 3) Section Number: 405.120
Adopted Action:
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1985, ch. 8, par 37-9(b)
- 5) Effective Date of Rule: July 3, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: July 3, 1990
- 9) Notice of Proposal Published in Illinois Register:
14 Ill. Reg. 1224 - January 19, 1990
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No.
- 11) Differences between proposal and final version: Amendment to last sentence of Section 405.120 to read "This paragraph shall not be applicable to special promotional events (e.g., special promotional events contemplates Dollar Days.)"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? Yes, as follows.

405.170 Amendment	14 Ill. Reg. 8957	June 8, 1990
405.180 Amendment	14 Ill. Reg. 8542	June 1, 1990
405.190 Amendment	14 Ill. Reg. 8086	May 25, 1990
- 15) Summary and purpose of rules: This rulemaking eliminates a minimum ticket price in promotional events.

USE ADDITIONAL SHEETS IF NECESSARY

(Source: Added at 14 Ill. Reg. 11219, effective July 1, 1990)

16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board
Legal Department
State of Illinois Center
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board
Legal Department
State of Illinois Center
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 405

PARI-MUTUELS

Section	State Director of Mutuels
405.10	Duties of the State Director of Mutuels
405.20	Mutuel Department Operations
405.30	Mutuel Employees
405.40	Totalizator (Repealed)
405.50	No Wagering After Start
405.55	Odds Board Control (Repealed)
405.60	Odds Board Update (Repealed)
405.70	Records of All Calculations
405.80	Number of Pari-Mutuel Races
405.90	Ticket Windows
405.100	Sale of Pari-Mutuel Tickets
405.110	Minimum Ticket Prices
405.120	Minimum Pay-Off -- Minus Pools -- Surcharges
405.130	Payments
405.140	Report Scratches
405.150	Number of Pools
405.160	Multiple Wagering Pools
405.170	Failure of Starting Gate
405.180	Horses Scratched
405.190	"Official" Sign Final
405.200	Minors Barred
405.210	Lost Tickets
405.220	Mutilated or Altered Tickets
405.230	Information Window
405.240	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1988 Supp., ch. 8, par. 37-9(b)).

SOURCE: Adopted at 4 Ill. Reg. 38, p. 187, effective September 8, 1990; codified at 5 Ill. Reg. 10886; emergency amendment at 8 Ill. Reg. 22142, effective October 31, 1984, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 2528, effective February 8, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 5688, effective April 17, 1985; amended at 9 Ill. Reg. 11400, effective July 5, 1985; amended at 11 Ill. Reg. 12375, effective July 18, 1987; amended at 12 Ill. Reg. 206, effective December 23, 1987; amended at 14 Ill. Reg. 11310, effective July 3, 1990.

Section 405.120 Minimum Ticket Prices

NOTICE OF ADOPTED AMENDMENT(S)

No pari-mutuel ticket shall be sold for less than \$2. No pari-mutuel ticket combining win and place, win and show, or place and show shall be sold for less than \$4. No pari-mutuel ticket combining win, place and show shall be sold for less than \$6. This paragraph shall not be applicable to special promotional events (e.g., special promotional events contemplated by Dollar Days).

(Source: Amended at 14 Ill. Reg. 11310, effective July 3, 1990)

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Programs

2) Code Citation 11 Ill. Adm. Code 415

3) Section Number: Adopted Action:
415.10 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1985, ch. 8, par 37-9(b)

5) Effective Date of Rule Amendments: July 3, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No.

8) Date filed in Agency's Principal Office: July 3, 1990

9) Notice of Proposal Published in Illinois Register:

14 Ill. Reg. 1597 - January 26, 1990

10) Has JCAR issued a Statement of Objections to this rule? No.

11) Differences between proposal and final version: An apostrophe was added to Section 415.10(h) to read "An organization's . . .".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other proposed amendments pending in this Part? No.

15) Summary and purpose of rules: This rulemaking establishes a provision for the organization licensee to publish in the daily program any and all surcharges imposed by that licensee.

16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board
Legal Department
State of Illinois Center
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD
NOTICE OF ADOPTED AMENDMENT(S)
July 3, 1990

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER 1: ILLINOIS RACING BOARD
SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 415
PROGRAMS

- Section 415.10 Required Information
- 415.20 Supply Information for Patrons
- 415.30 Thoroughbred Programs
- 415.40 Harness Programs
- 415.50 Quarterhorse Programs

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1988 Supp., ch. 8, par. 37-9(b)).

SOURCE: Adopted at 4 Ill. Reg. 43, effective October 20, 1980; codified at 5 Ill. Reg. 10900; emergency amendment at 7 Ill. Reg. 16201, effective November 28, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 5698, effective April 16, 1984; amended at 14 Ill. Reg. 11314, effective July 3, 1990.

Section 415.10 Required Information

Programs shall contain the following information:

- a) A recitation that the race meeting is conducted pursuant to a license issued by the Board and pursuant to the rules and regulations of the Board.
- b) The address and telephone number of the central office of the Board.
- c) The names of the Board members, the officers and directors of the organization licensee, and Board and track racing officials.
- d) The advertised post time of the first pari-mutuel race of the program.
- e) The information specified in Rule B10.6 (11 Ill. Adm. Code 410.60) (regarding the Special Purse and Reward Fund).
- f) A notice to patrons indicating which horses have been administered furosemide prior to the race and a symbol which denotes, where applicable, that the horse had been administered furosemide for the first time.
- g) A prominent notice that there is an information and/or complaint window or windows where complaints may be made by members of the public. Such notice shall specify the exact location of such window or windows.
- h) An organization's election to impose a surcharge under Section 26.3 of the Horse Racing Act of 1975 shall be stated conspicuously in the official program.

(Source: Amended at 14 Ill. Reg. 11314, effective

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Trifecta
- 2) Code Citation 11 Ill. Adm. Code 409
- 3) Section Number: 409.65
Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1985, ch. 8, par 37-9(b)
- 5) Effective Date of Amendment: July 3, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: July 3, 1990
- 9) Notice of Proposal Published in Illinois Register: 14 Ill. Reg. 1601 - January 26, 1990
- 10) Has JCAR issued a Statement of Objections to this (these) rule? No.
- 11) Differences between proposal and final version:
Modification to second sentence in Section 409.65(b) to state: "If them stewards determine that another race is of a better quality, more competitive, will have a greater number of horses, and the distance of the race is more suitable, they shall select that race as the trifecta and their decision will be final." The title of the Part will be "Trifecta". The title of the Section will be "Trifecta Races".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? Yes, as follows.
409.75 Amendment 14 Ill. Reg. 8553 June 1, 1990
409.85 Amendment 14 Ill. Reg. 1849 February 2, 1990
- 15) Summary and purpose of rule: This rulemaking establishes an additional condition to ensure the quality and competitiveness of Trifecta Races.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board
Legal Department
State of Illinois Center
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 409

TRIFECTA RACES

Section	
409.10	Trifecta Wager
409.20	Entries and Fields Prohibited
409.30	Winning Combinations
409.40	Dead Heat
409.50	Irregular Wagering Pattern
409.60	Special Conditions for Thoroughbred Trifecta Races (Repealed)
409.65	Trifecta Races
409.70	Special Conditions for Harness Trifecta Races (Repealed)
409.75	Restrictions on Thoroughbred Trifecta Races
409.80	Waiver of Rules (Repealed)
409.85	Restrictions on Harness Trifecta Races

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1988 Supp., ch. 8, par. 37-9(b)).

SOURCE: Adopted at 4 Ill. Reg. 38, p. 187, effective September 8, 1980; codified at 5 Ill. Reg. 10894; emergency amendment at 9 Ill. Reg. 2532, effective February 8, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 10270 effective June 21, 1985; amended at 14 Ill. Reg. 11317, effective July 3, 1990.

Section 409.65 Trifecta Races

a) Subject to the restrictions in 11 Ill. Adm. Code 409.75 and 409.85, the racing secretary shall select a race as a trifecta race after consideration of the following criteria which are listed in order of priority:

- 1) the quality of the race;
 - 2) his judgment regarding the competitiveness of the race; and
 - 3) the number of horses entered; and
 - 4) the distance of the race.
- b) When the racing secretary has decided which race he intends to card as a trifecta, he shall advise the stewards who shall review the racing secretary's selection as quickly as practicable. If the stewards determine that another race is of a better quality, more competitive, and will have a greater number of horses and the distance of the race is more suitable, they shall select that race as the trifecta and their decision shall be final.

(Source: Amended at 14 Ill. Reg. 11317, effective

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

July 3, 1990)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

1) Heading of the Part: Telecommunications Excise Tax2) Code Citation: 86 Ill. Adm. Code 4953) Section Numbers:

495.100	Adopted Action:
495.105	New Section
495.110	New Section
495.115	New Section
495.120	New Section
495.125	New Section
495.130	New Section

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, pars. 2001 et seq.5) Effective Date of Rule(s): July 1, 19906) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒7) Do these rules contain incorporations by reference? No8) Date Filed in Agency's Principal Office: July 1, 19909) Notice of Proposal Published in Illinois Register:

October 20, 1989, 13 Ill. Reg. 16723
(issue date)

10) Has JCAR issued a Statement of Objections to these Rule(s)? Yes

A) Statement of Objection: June 22, 1990, 14 Ill. Reg. 10152
(issue date)

B) Agency Response: July 13, 1990, 14 Ill. Reg. 11408
(issue date)

C) Date Agency Response Submitted for Approval to JCAR: June 19, 199011) Differences between proposal and final version: Pursuant to the request of the Joint Committee on Administrative Rules, the following changes were made:

In response to the Committee's objection, the Department has added a new paragraph (h) to Section 495.100 and revised paragraphs (i) and (j), and redesignated paragraphs (h), (i), (j) and (k) to be paragraphs (i), (j), (k) and (l). These revisions clarify "at which point the tax is to be imposed in certain retail sales of telecommunications". (900 calls).

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NOTICE OF ADOPTED RULES

The revised paragraphs read as follows:

h) A caller located in Illinois who calls a 900 number and receives a billing for that call at his service address, will have made a call subject to Telecommunications Excise Tax. The invoice to the caller for a 900 number call need not separately state the line charge and tax thereon specifically. However, the telecommunications retailer is responsible for remitting the tax due on the line charge.

i) Gross charges shall include the transmission charges for premium services. Time/weather, gab line/party line and other public announcement services of information and entertainment, and charges for the message content, information of such services, are not included in gross charges.

Example: A call to a 900 code number is made to register an opinion in a poll. The caller is billed \$1.00. \$.80 is the transmission charge. \$.80 is included in gross charges.

j) Charges for billing and collection received by telecommunications retailers from persons selling services or products to the telecommunications retailer's customers, which are billed and collected by the telecommunications retailer, are not included in gross charges.

Example: A call to a 900 code number to sell a product is billed by the telecommunications retailer as follows:

\$25.00	service charge to caller for product or service
\$.30	call charge (15¢ call, 15¢ billing and collection)
\$.15	billing and collection charge is not included in gross charges
\$25.00	is not included in gross charges
\$.15	is included in gross charge

k) Billing and collections charges paid by persons selling services or products to telecommunications retailer's customers or billing and collections charges paid by telecommunications retailers to credit card companies whose holders have charged calls are not includable in gross charges.

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- 1) Taxes imposed on consumers for community 911 service, life-line service or other services required by regulatory authorities or government are not includable in gross charges.

1. Re-wrote subsection 495.100(h), as follows:

"Gross charges shall include the transmission charges for premium services. Time/weather, gab line/party line and other public announcement services of information and entertainment, and charges for the message content or information of such services, are not included in gross charges."

Also, in this subsection, in the last line of the example, changed "\$1.00" to "\$.80".

2. In subsection 495.100(i), added the word "not" between the words "are included" near the end of the first sentence and deleted the last sentence.

Also, in the first line of the example in this subsection, replaced the words "make a contribution" with the words "sell a product".

In the first line of the dollar example, replaced the word "contribution" with "charge to caller for product or service".

In the third dollar example, added "unless billing and collection is separately stated--then only the call charge" after the word "charges".

Added "\$.15 is included in gross charge" at the end of the example.

3. Replaced subsection 495.100(j) with the following:

"Billing and collections charges paid by persons selling services or products to telecommunications retailer's customers or billing and collections charges paid by telecommunications retailers to credit card companies whose holders have charged calls are not includable in gross charges, if separately stated, otherwise they are costs of doing business and are not deductible from gross charges."

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4. In subsection 495.100(k), replaced the word "Surcharges" with "Taxes imposed on consumers" at the beginning of the subsection and added the word "not" between the words "are includable" at the end of the sentence.

Pursuant to the request of the Administrative Code Division, the following changes were made:

1. On the notice page in question 4, corrected the reference to P.A. 86-905 to read: "P.A. 86-905, effective January 1, 1990".

2. Completed the main source note to read as follows: "Adopted at 14 Ill. Reg. _____, effective _____."

3. In Section 495.100(a), in line 8, specified the Section(s) and title of the Act from which this statutory language is taken.

Also in subsection (b) of this Section immediately after the statutory language, added "Section 2(a)(4) of the Act." Also, after the statutory language in subsection (d) of this Section, added "Section 2c of the Act."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these rules replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this part? No

- 15) Summary and Purpose of Rule(s): Telecommunication gross charges, exemptions and implementation of the tax.

- 16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Rule(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 495
TELECOMMUNICATIONS EXCISE TAXSection
495.100 Meaning of "Gross Charges"

495.100 Exemptions

495.105 Retailers

495.110 Interstate

495.115 Mobile Operations Reporting Option

495.120 Responsibility for Accounting and Payment of Tax

495.125 Credits

AUTHORITY: Implementing the Telecommunications Excise Tax Act (Ill. Rev. Stat. 1989, ch. 120, pars. 2001 et seq.) and authorized by Section 39b35 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 120, par. 39b35).

SOURCE: Adopted at 14 Ill. Reg. 11321, effective July 1, 1990.

NOTE: Capitalization denotes statutory language.

Section 495.100 Meaning of "Gross Charges"

- a) "GROSS CHARGE" MEANS THE AMOUNT PAID FOR THE ACT OR PRIVILEGE OF ORIGINATING OR RECEIVING TELECOMMUNICATIONS IN THIS STATE AND FOR ALL SERVICES AND EQUIPMENT PROVIDED IN CONNECTION THEREWITH BY A RETAILER, VALUED IN MONEY, WHETHER PAID IN MONEY OR OTHERWISE, INCLUDING CASH, CREDITS, SERVICES AND PROPERTY OF EVERY KIND OR NATURE, AND SHALL BE DETERMINED WITHOUT ANY DEDUCTION ON ACCOUNT OF THE COST OF SUCH TELECOMMUNICATIONS, THE COST OF MATERIALS USED, LABOR OR SERVICE COST OR ANY OTHER EXPENSE WHATSOEVER (Section 2(a) of the Telecommunications Excise Tax Act (the Act) (Ill. Rev. Stat. 1989, ch. 120, par. 2002(a)). A retailer may provide services to customers which are not provided in connection with originating or receiving telecommunications. If such services are not necessary for or directly related to the retailer's provision of telecommunications to customers and the charges for such services are disaggregated and separately identified from other charges, the charges need not be included in "Gross Charges". Without limitation, examples of such services not included in "Gross Charges" are directory advertising; specialized designing and/or engineering services; specialized security measures; and consulting services.

- b) GROSS CHARGES SHALL NOT INCLUDE CHARGES FOR CUSTOMER EQUIPMENT, INCLUDING SUCH EQUIPMENT THAT IS LEASED OR RENTED BY THE CUSTOMER FROM ANY SOURCE, WHEREIN SUCH CHARGES ARE DISAGGREGATED AND

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SEPARATELY IDENTIFIED FROM OTHER CHARGES (Section 2(a)(4) of the Act). Customer equipment includes, but is not limited to, all items generally classified as customer equipment or terminal equipment, such as telephone instruments and station sets, dialers, modems, private branch exchanges (PBX's), inside wiring, facsimile machines, pagers and non-electronic associated items such as documentation, manuals and furniture. Such items of customer equipment, including maintenance and miscellaneous services may be leased, rented or sold to one customer or a group of customers without being included in the gross charges, but will be subject to Retailers' Occupation or Use Taxes. To be exempt, the charges for customer equipment must be disaggregated and separately identified from other charges on the customer's billing statement.

- c) Charges for automated data storage, retrieval and processing services or for the use of computer time or other equipment are not included in gross charges. Automated information retrieval or data processing charges are not included in gross charges. For example, a customer who accesses an on-line computer data base would not be subject to tax on the charge for the data processing or inquiry, but would be subject to tax on the charge for the transmission of the data. If a telecommunications retailer provides both transmission and data processing services, the charges for each must be disaggregated and separately identified on customers' billing statements and in the books and records of the retailer.

- d) VALUE ADDED SERVICES IN WHICH COMPUTER PROCESSING APPLICATIONS ARE USED TO ACT ON THE FORM, CONTENT, CODE AND PROTOCOL OF THE INFORMATION FOR PURPOSES OTHER THAN TRANSMISSION are exempt (Section 2(c) of the Act). For example, the charges for computer data, protocol languages or protocols which permit computers to exchange data, no matter which packet-switching, which groups data into packets for efficiency of transmission, would be exempt.

- e) Advertising revenue either from directory sales (yellow pages) or from message additions to telecommunications service are not included in gross charges. For example, revenues from an advertising message preceding a time/weather call are not included in gross charges.

- f) Contributions to a telethon fund-raising campaign are not included in gross charges.

- g) Gross charges shall include, but are not limited to, charges for unlisted or unpublished numbers, operator assistance, directory information, call-waiting, call-forwarding, burglar alarm services, and answering services provided by telecommunications retailers.

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- h) A caller located in Illinois who calls a 900 number and receives a billing for that call at his service address, will have made a call subject to telecommunications Excise Tax. The invoice to the caller for a 900 number call need not separately state the line charge and tax thereon specifically. However, the telecommunications retailer is responsible for remitting the tax due on the line charge.
- i) Gross charges shall include the transmission charges for premium services. Time/weather, gab line/party line and other public announcement services of information and entertainment, and charges for the message content, information of such services, are not included in gross charges.

Example: A call to a 900 code number is made to register an opinion in a poll. The caller is billed \$1.00. \$.80 is the transmission charge. \$.80 is included in gross charges.

- j) Charges for billing and collection received by telecommunications retailers from persons selling services or products to the telecommunications retailer's customers, which are billed and collected by the telecommunications retailer, are not included in gross charges.

Example: A call to a 900 code number to sell a product is billed by the telecommunications retailer as follows:

\$25.00	service charge to caller for product or service
\$.30	call charge (15¢ call, 15¢ billing and collection)
\$.15	billing and collection charge is not included in gross charges
\$25.00	is not included in gross charges
\$.15	is included in gross charge

- k) Billing and collections charges paid by persons selling services or products to telecommunications retailer's customers or billing and collections charges paid by telecommunications retailers to credit card companies whose holders have charged calls are not includable in gross charges.

- l) Taxes imposed on consumers for community 911 service, life-line service or other services required by regulatory authorities or government are not includable in gross charges.

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Section 495.105 Exemptions

The exemption for State Governments and State universities created by statute and political subdivisions extends only to telecommunications purchased by such agencies for their own use. Such agencies are not exempt from the obligation to collect and remit tax on sales of telecommunications to others when they act as retailers of telecommunications. For example, a university would be exempt from telecommunications Excise Tax on purchases, by the university, of telecommunications services for use by its faculty and staff in the course of their duties. However, the same university would have an obligation to collect and remit tax on sales of telecommunications services to students in university dormitories.

Section 495.110 Retailers

Retailers of telecommunications are persons who engage in the business of making sales of telecommunications at retail. This includes retailers who operate or provide radio repeater services, paging services, facsimile transmission services and party line services. Hotels and other traffic aggregators who sell telecommunications to guests or other persons at retail are retailers of telecommunications.

Section 495.115 Interstate

Interstate telecommunications means all telecommunications that either originate or terminate outside the State. This includes telecommunications that originate or terminate outside of the United States. Consumers paying foreign taxes on telecommunications may take credit for such taxes in the same manner as taxes paid to other states.

Section 495.120 Mobile Operations Reporting Option

- a) Retailers of telecommunications who provide cellular phone, mobile radio, paging and other services where the customer's service address is in fact not a fixed site, but rather a motor vehicle or other mobile location, shall use the billings address in Illinois of their customer as the service address for the purpose of determining whether tax is due on services charged to the customer.
- b) The Department will not require retailers to attempt to apportion traffic or gross charges based upon the physical location of a mobile portable telecommunications device at the time service is provided. For example, a retailer providing service to a cellular phone customer shall charge Telecommunications Excise Tax on all traffic billed to an Illinois address unless there is evidence in the books and records of the retailer that a call was originated from a location outside this State and terminated outside this State.

Section 495.125 Responsibility for Accounting and Payment of Tax

If a local exchange carrier acts as an agent of a long distance carrier, inter-exchange carrier, alternative operator service, or billing and collections contractor and bills local customers for long distance service and local service as well as the tax applicable for such services, and remits a part of the collections to its principal, the local exchange carrier or retailer is liable only for such amounts as it retains, but is required to maintain and provide billing data and accounting data to the other party and the Department of Revenue. Amounts remitted to principals are their responsibility. Long distance carriers, inter-exchange carriers and other retailers who retain local exchange carriers, or other agents in Illinois to bill and collect gross charges from customers in Illinois, are considered to be retailers maintaining a place of business in Illinois and must register with the department and file returns.

Section 495.130 Credits

- a) Retailers who have paid Telecommunications Excise Tax to a local exchange carrier, or other retailer, on basic line charges or other services, and who have resold those services, may take a direct deduction of such taxes without filing a claim with the Department. Consumers who have paid tax to Illinois and another jurisdiction on a particular call may file a direct claim with the Department.
- b) The claim must be accompanied by documentation which would include the billing reflecting tax charged to the taxpayer and relating the tax charges to specific calls or transactions.
- c) For example, a corporation might have its service address in Illinois and its billing address in a state which imposes tax based upon its billing address. If the same call is subject to tax in Illinois because it originated in Illinois, and was charged to a service address in Illinois, and is subject to tax in another state because it terminated in the other state, and was billed to a billing address in that other state, a credit is available in Illinois to the extent of the tax imposed by the other state, but not exceeding the tax due on that call in Illinois.

- 1) The Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Number:</u>	<u>Emergency Action:</u>
310.110	Amended
310.130	Amended
310.290	Amended
310.450	Amended
310.456	Amended
310.530	Amended
310.540	Amended
310. Appendix B	Amended
310. Appendix C	Amended
310. Appendix D	Amended
- 4) The specific statutory citation upon which the rule is based and authorized:
Illinois Revised Statutes 1987, ch. 127, par. 63b108a(2)
- 5) The effective date of the rule: June 29, 1990
- 6) If this emergency rule is to expire before the end of the 150 days period, please specify the date:
The emergency amendment will extend to the full 150 days.
- 7) Date filed in Agency's principle office:
- 8) The reason for the emergency: June 29, 1990
This emergency filing is necessary to implement the Fiscal Year 1991 changes of the Pay Plan affecting Out-of-State or Foreign Service Rates, Schedule of Salary Grades, and the Merit Compensation System.
It is necessary that the sections pertaining to the nonbargaining schedules become effective July 1, 1990, to maintain parity between the majority of Code employees who are included under the Collective Bargaining contracts which were already previously negotiated.
The uncertainty regarding the budget resulted in a delay in the final decision on salary increases.
- 9) A Complete Description of the Subjects and Issues Involved:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

The sections affected in the Fiscal Year 1991 changes to the Pay Plan include the following:

In Sections 310.110, 310.130 and 310.530, the revised dates reflect the new fiscal year.

In Section 310.290, the ranges of the Out-of-State/Foreign Service Rates were increased to maintain the same differentials above the in-state rates, with the "Foreign Service" titles being increased 4.5%.

In Section 310.450, Procedures for Determining Annual Merit Increase, the revision is in reference to the categorization within the Annual Merit Increase Guidechart of Section 310.540.

In Section 310.456, Merit Zone, the revision is in reference to the new Category 1 definition in the guidechart of Section 310.540.

In Section 310.540, Annual Merit Increase Guidechart for Fiscal Year 1991, the changes reflect revisions in the category definitions and allowable increases with the inclusion of an additional category. These merit increase values should allow the agencies to administer the merit compensation program within appropriated personal services amounts.

In Section 310. Appendices B, C and D, the schedules for the Salary Grades, Physician Administrator and Medical Facilities Administrator, and Merit Compensation System are being increased by 4.5% so as to receive the same rate increase already negotiated for the Collective Bargaining Units. The "Merit Pay Zone Limit" rates of pay in the Merit Compensation System Salary Schedule (Appendix D) is being increased by 5% above the "Maximum Salary" rates of pay.

10) Are there any proposed amendments pending to this part? Yes

Section Number	Proposed Action	Ill. Reg. Citation
310.110	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.130	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.290	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.300	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.450	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.456	Amended	14 Ill. Reg. 5269 (April 13, 1990)

310.530	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.540	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. App. A, Table D	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. App. A, Table E	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. App. A, Table F	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. Appendix B	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. Appendix C	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. Appendix D	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.230	Amended	14 Ill. Reg. 7675 (May 25, 1990)
310.280	Amended	14 Ill. Reg. 7675 (May 25, 1990)
310. App. A, Table A	Amended	14 Ill. Reg. 7675 (May 25, 1990)
310.280	Amended	14 Ill. Reg. 10189 (June 29, 1990)
310.290	Amended	14 Ill. Reg. 10189 (June 29, 1990)
310. App. A, Table I	Amended	14 Ill. Reg. 10189 (June 29, 1990)
310. App. A, Table O	Amended	14 Ill. Reg. 10189 (June 29, 1990)
310. App. A, Table P	Amended	14 Ill. Reg. 10189 (June 29, 1990)

11) Statement of Statewide Policy Objectives:

This rulemaking does not affect local government units.

12) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed to:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
Telephone: (217) 782-5601

The full text of the Emergency Rule is as follows:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	Policy and Responsibilities
310.20	Jurisdiction
310.30	Pay Schedules
310.40	Definitions
310.50	Conversion of Base Salary to Pay Period Units
310.60	Conversion of Base Salary to Daily or Hourly Equivalents
310.70	Increases in Pay
310.80	Decreases in Pay
310.90	Other Pay Provisions
310.100	Implementation of Pay Plan Changes, Effective July 1, 1989
310.110	1990
EMERGENCY	Interpretation and Application of Pay Plan
310.120	Effective Date
310.130	Reinstitution of Within Grade Salary Increases
EMERGENCY	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades,
310.140	effective July 1, 1984 (Repealed)
310.150	

SUBPART B: SCHEDULE OF RATES

Section	Introduction
310.205	Prevailing Rate
310.210	Negotiated Rate
310.220	Part-Time Daily or Hourly Special Services Rate
310.230	Hourly Rate
310.240	Member, Patient and Inmate Rate
310.250	Trainee Rate
310.260	Legislated and Contracted Rate
310.270	Designated Rate
310.280	Out-of-State or Foreign Service Rate
310.290	Education Rate
EMERGENCY	Physician Specialist Rate
310.300	
310.310	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Annual Compensation Ranges for Executive Director and
Assistant Executive Director, State Board of Elections
Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

310.320	Section	Jurisdiction
310.330	310.410	Objectives
	310.420	Responsibilities
	310.430	Merit Compensation Salary Schedule
	310.440	Procedures for Determining Annual Merit Increases
	310.450	Intermittent Merit Increase
	EMERGENCY	310.455
	EMERGENCY	310.456
	310.460	Merit Zone
	310.470	Other Pay Increases
	310.480	Adjustment
	310.490	Decreases in Pay
	310.500	Other Pay Provisions
	310.510	Definitions
	310.520	Conversion of Base Salary to Pay Period Units
	310.530	Conversion of Base Salary to Daily or Hourly Equivalents
	EMERGENCY	Implementation
	310.540	Annual Merit Increase Guidechart for Fiscal Year 1990 1991
	EMERGENCY	Fiscal Year 1985 Pay Changes in Merit Compensation System,
	310.550	effective July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay

TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, ISEA)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)

NOTICE OF EMERGENCY AMENDMENTS

TABLE M	RC-027 (Educators, AFSQME) (Repealed)
TABLE N	RC-027 (Physician Rates, AFSQME) (Repealed)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSQME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)
TABLE Q	RC-033 (Meat Inspectors, ISEA)
TABLE R	RC-042 (Residual Maintenance Workers, AFSQME)
TABLE S	HR-012 (Fair Employment Practices Employees, SETU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSQME)
TABLE X	RC-063 (Professional Employees, AFSQME)
TABLE Y	RC-063 (Educators, AFSQME)
TABLE Z	RC-063 (Physicians, AFSQME)
APPENDIX B	Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1990 1991

EMERGENCY APPENDIX C	Physician Administrator Rates and Medical Facilities Administrator Rates for Fiscal Year 1990 1991
EMERGENCY APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1990 1991
EMERGENCY APPENDIX E	Teaching Salary Schedule (Repealed)
EMERGENCY APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1987 1989, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134,

effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill.

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Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19921, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days.

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NOTICE OF EMERGENCY AMENDMENTS

Section 310.110 Implementation of Pay Plan Changes, Effective July 1, EMERGENCY 1989 1990

Effective July 1, 1989 1990, the rates of pay for all employees occupying positions subject to the Schedule of Salary Grades shall be as set out in Appendix B, Schedule of Salary Grades -- Monthly and Annual Rates of Pay for Fiscal Year 1990 1991.

(Source: Emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days)

Section 310.130 Effective Date

EMERGENCY

The effective date of this Pay Plan Narrative (Subpart A), Schedule of Rates (Subpart B), and Schedule of Salary Grades (Appendix B), shall be July 1, 1989 1990.

(Source: Emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days)

Section 310.290 Out-of-State or Foreign Service Rate
EMERGENCY

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

Title	Range
	Effective Fiscal Year 1990 1991

Account-Technician-I

(GH; -TX)
(GA; -NJ)

\$1664---2896
\$1881---2370

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Accounting and Fiscal Administration Career Trainee

(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI)\$1889---2417
\$1975 - 2527
\$2136---2733
\$2232 - 2856

(CA, NJ)

Foreign Service Economic Development Executive I

\$2521---4365
\$2634 - 4561

Foreign Service Economic Development Executive II

\$3268---5740
\$3415 - 5998Foreign Service Economic Development
Representative\$2170---3630
\$2268 - 3793

Office Assistant (Foreign Service)

\$1498---2057
\$1566 - 1934

Office Associate

(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI)\$1603---2010
\$1676 - 2101
\$1812---2272
\$1894 - 2375

(CA, NJ)

Office Coordinator

(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI)\$1664---2096
\$1739 - 2191
\$1881---2370
\$1966 - 2477

(CA, NJ)

Revenue Audit Supervisor

(OH, TX)

\$2869---5057
\$2997 - 5284
\$2869---5716
\$3388 - 5974

(CA, NJ)

Revenue Auditor I

(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI)\$2267---2966
\$2369 - 3099
\$2562---3353
\$2678 - 3504

(CA, NJ)

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Revenue Auditor II

(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI)\$2597---3298
\$2620 - 3447
\$2834---3728
\$2961 - 3896

(CA, NJ)

Revenue Auditor III

(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI)\$2793---3708
\$2919 - 3874
\$3158---4686
\$3299 - 4897

(CA, NJ)

Revenue Assistant Audit Field Manager

(OH, TX)

\$3044---5411
\$3182 - 5655
\$3441---6117
\$3597 - 6392

(CA, NJ)

Revenue Field Audit Manager

(NJ)

\$3674---6544
\$3840 - 6839

Tax Examiner

(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI)\$1664---2096
\$1739 - 2191
\$1881---2370
\$1966 - 2477

(CA, NJ)

Tax Examiner Trainee

(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI)\$1498---2057
\$1566 - 1934
\$1694---2093
\$1771 - 2187

(CA, NJ)

(Source: Emergency amendment at 14 Ill. Reg. 11330, effective
June 29, 1990, for a maximum of 150 days)Section 310.450 Procedures for Determining Annual Merit Increases
EMERGENCY

- a) An annual merit increase is an in-range salary adjustment for demonstrated performance.

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b) Eligibility for an annual merit increase shall be determined by the following conditions:

- 1) Each employee will be eligible for a merit review after attaining 12 months creditable service. The employee's immediate supervisor shall prepare an Individual Development and Performance Evaluation form prior to the Performance Review Date, and discuss the results with the employee.
- 2) Should the Individual Development and Performance review result in the employee not being eligible for an annual merit increase due to provisions of Section 310.450(d), or should the employee's base rate be at the maximum rate of pay of the salary range assigned to the employee's position, the employee will not be eligible for an annual merit increase until 12 months of additional creditable service has been accrued.

c) Based upon the results of the Individual Development and Performance evaluation, the employees' immediate supervisor shall determine whether the employee's performance warrants or does not warrant an annual merit increase.

d) The amount of an annual merit increase recommendation shall be determined by use of the Merit Increase Guidechart of Section 310.540 if the employee's Individual Development and Performance Evaluation has on the Performance Review Date been evaluated at a Category-3 Category 4 or higher level. An employee whose Individual Development and Performance Evaluation has, on the Performance Review Date been evaluated at Category-4 Category 5 shall not receive an increase in the present base salary. However, in no event is the resulting salary to be lower than the minimum or higher than the maximum rate of pay of the respective salary range assigned to the employee's position.

e) The employee's immediate supervisor shall prepare a Performance Certification and Salary Increase Recommendation form, indicating whether or not the employee is eligible for an annual merit increase and the amount thereof.

f) The employee's immediate supervisor shall forward the Individual Development and Performance Evaluation records and Performance Certification and Salary Increase Recommendation records to the agency head or a designated authority for review and approval.

g) Annual merit increases in pay shall become effective the first day of the month in which the employee's Performance Review Date occurs.

(Source: Emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENTS

Section 310.456 Merit Zone
EMERGENCY

- a) The salary ranges shall be extended, as set forth in Appendix D of the Pay Plan to provide additional salary potential for employees near their normal maximum rates.
- b) Employees' salaries may be advanced into the Merit Zone only by an annual rating of "Significantly-Surpasses-Objectives" "Superior" or by an Intermittent Merit Increase.

(Source: Emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days)

Section 310.530 Implementation
EMERGENCY

a) The salary schedule for the Merit Compensation System for Fiscal Year 1990 1991 is increased and set forth in Appendix D of the Pay Plan.

b) The Merit Increase Guidechart for Fiscal Year 1990 1991 is as set forth in Section 310.540 of the Pay Plan.

(Source: Emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days)

Section 310.540 Annual Merit Increase Guidechart for Fiscal Year 1990
EMERGENCY 1991

Category	Definition	Allowable Increase
Category-1	Significantly-Surpasses objectives	5---8%
Category-2	Fully-achieves objectives	2---5%
Category-3	Marginally-achieves objectives	0---2%
Category-4	Unacceptable-achievement of-objectives	0%

Category 1	Superior	8 - 10%
Category 2	Exceeds Expectations	5 - 8%
Category 3	Meets Expectations	4 - 5%
Category 4	Needs Improvement	0 - 4%
Category 5	Unacceptable	0%

(Source: Emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days)

Section 310. Appendix B Schedule of Salary Grades -- Monthly and Annual Rates of Pay for Fiscal Year 1990 1991

Grade	Minimum							Maximum	
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 6	Step 7
--1--	1,120	1,154	1,186	1,219	1,258	1,291	1,352	1,291	1,352
	13,440	13,848	14,232	14,628	15,096	15,492	16,224	15,492	16,224
--2--	1,154	1,186	1,219	1,260	1,296	1,331	1,394	1,331	1,394
	13,848	14,232	14,628	15,120	15,552	15,972	16,728	15,972	16,728
--3--	1,186	1,219	1,261	1,299	1,335	1,374	1,444	1,374	1,444
	14,232	14,628	15,132	15,588	16,020	16,488	17,328	16,488	17,328
--4--	1,219	1,261	1,301	1,339	1,383	1,422	1,495	1,422	1,495
	14,628	15,132	15,612	16,068	16,596	17,064	17,940	17,064	17,940
--5--	1,261	1,303	1,346	1,389	1,431	1,473	1,546	1,473	1,546
	15,132	15,636	16,152	16,668	17,172	17,676	18,552	17,676	18,552
--6--	1,303	1,347	1,391	1,437	1,483	1,531	1,610	1,531	1,610
	15,636	16,164	16,692	17,244	17,796	18,372	19,320	18,372	19,320
--7--	1,347	1,394	1,442	1,492	1,541	1,591	1,677	1,591	1,677
	16,164	16,728	17,304	17,904	18,492	19,092	20,124	19,092	20,124
--8--	1,394	1,447	1,499	1,555	1,606	1,660	1,748	1,660	1,748
	16,728	17,364	17,988	18,660	19,272	19,920	20,976	19,920	20,976
--9--	1,447	1,501	1,560	1,615	1,676	1,734	1,823	1,734	1,823
	17,364	18,012	18,720	19,380	20,112	20,808	21,876	20,808	21,876

-10-	1,503	1,567	1,625	1,687	1,746	1,810	1,909	1,810	1,909
	18,036	18,804	19,500	20,244	20,952	21,720	22,908	21,720	22,908
-11-	1,568	1,634	1,695	1,764	1,829	1,892	1,997	1,892	1,997
	18,816	19,608	20,340	21,168	21,948	22,704	23,964	22,704	23,964
-12-	1,643	1,712	1,778	1,851	1,919	1,990	2,102	1,990	2,102
	19,716	20,544	21,336	22,212	23,028	23,880	25,224	23,880	25,224
-13-	1,714	1,787	1,863	1,938	2,012	2,089	2,208	2,089	2,208
	20,568	21,444	22,356	23,256	24,144	25,068	26,496	25,068	26,496
-14-	1,797	1,876	1,954	2,041	2,120	2,201	2,328	2,201	2,328
	21,564	22,512	23,448	24,492	25,440	26,412	27,936	26,412	27,936
-15-	1,877	1,965	2,049	2,133	2,221	2,304	2,441	2,304	2,441
	22,524	23,580	24,588	25,596	26,652	27,648	29,292	27,648	29,292
-16-	1,971	2,063	2,158	2,247	2,341	2,434	2,579	2,434	2,579
	22,652	24,756	25,896	26,964	28,092	29,208	30,948	29,208	30,948
-17-	2,069	2,167	2,268	2,363	2,459	2,559	2,712	2,559	2,712
	24,828	26,004	27,216	28,356	29,508	30,708	32,544	30,708	32,544
-18-	2,180	2,286	2,392	2,500	2,604	2,707	2,868	2,707	2,868
	26,160	27,432	28,704	30,000	31,248	32,484	34,416	32,484	34,416
-19-	2,299	2,415	2,529	2,645	2,757	2,873	3,047	2,873	3,047
	27,588	28,980	30,348	31,740	33,084	34,476	36,564	34,476	36,564
-20-	2,429	2,550	2,670	2,797	2,918	3,037	3,224	3,037	3,224
	29,148	30,600	32,040	33,564	35,016	36,444	38,688	36,444	38,688
-21-	2,565	2,697	2,827	2,958	3,093	3,221	3,422	3,221	3,422
	30,780	32,364	33,924	35,496	37,116	38,652	41,064	38,652	41,064
-22-	2,711	2,852	2,992	3,132	3,277	3,414	3,626	3,414	3,626
	32,532	34,224	35,904	37,584	39,324	40,968	43,512	40,968	43,512
-23-	2,876	3,029	3,183	3,334	3,487	3,639	3,868	3,639	3,868
	34,512	36,348	38,196	40,008	41,844	43,668	46,416	43,668	46,416
1	1,170	1,206	1,239	1,274	1,315	1,349	1,413	1,349	1,413
	14,040	14,472	14,868	15,288	15,780	16,188	16,956	16,188	16,956
2	1,206	1,239	1,274	1,317	1,354	1,391	1,457	1,391	1,457
	14,472	14,868	15,288	15,804	16,248	16,692	17,484	16,692	17,484

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3	1,239	1,274	1,318	1,357	1,395	1,436	1,509
	14,868	15,288	15,816	16,284	16,740	17,232	18,108
4	1,274	1,318	1,360	1,399	1,445	1,486	1,562
	15,288	15,816	16,320	16,788	17,340	17,832	18,744
5	1,318	1,362	1,407	1,452	1,495	1,539	1,616
	15,816	16,344	16,884	17,424	17,940	18,468	19,392
6	1,362	1,408	1,454	1,502	1,550	1,600	1,682
	16,344	16,896	17,448	18,024	18,600	19,200	20,184
7	1,408	1,457	1,507	1,559	1,610	1,663	1,752
	16,896	17,484	18,084	18,708	19,320	19,956	21,024
8	1,457	1,512	1,566	1,625	1,678	1,735	1,827
	17,484	18,144	18,792	19,500	20,136	20,820	21,924
9	1,512	1,569	1,630	1,688	1,751	1,812	1,905
	18,144	18,828	19,560	20,256	21,012	21,744	22,860
10	1,571	1,638	1,698	1,763	1,825	1,891	1,995
	18,852	19,656	20,376	21,156	21,900	22,692	23,940
11	1,639	1,708	1,771	1,843	1,911	1,977	2,087
	19,668	20,496	21,252	22,116	22,932	23,724	25,044
12	1,717	1,789	1,858	1,934	2,005	2,080	2,197
	20,604	21,468	22,296	23,208	24,060	24,960	26,364
13	1,791	1,867	1,947	2,025	2,103	2,183	2,307
	21,492	22,404	23,364	24,300	25,236	26,196	27,684
14	1,878	1,960	2,042	2,133	2,215	2,300	2,433
	22,536	23,520	24,504	25,596	26,580	27,600	29,196
15	1,961	2,053	2,141	2,229	2,321	2,408	2,551
	23,532	24,636	25,692	26,748	27,852	28,896	30,612
16	2,060	2,156	2,255	2,348	2,446	2,544	2,695
	24,720	25,872	27,060	28,176	29,352	30,528	32,340
17	2,162	2,265	2,370	2,469	2,570	2,674	2,834
	25,944	27,180	28,440	29,628	30,840	32,088	34,008
18	2,278	2,389	2,500	2,613	2,721	2,829	2,997
	27,336	28,668	30,000	31,356	32,652	33,948	35,964

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19	2,402	2,524	2,643	2,764	2,881	3,002	3,184
	28,824	30,288	31,716	33,168	34,572	36,024	38,208
20	2,538	2,665	2,790	2,923	3,049	3,174	3,369
	30,456	31,980	33,480	35,076	36,588	38,088	40,428
21	2,680	2,818	2,954	3,091	3,232	3,366	3,576
	32,160	33,816	35,448	37,092	38,784	40,392	42,912
22	2,833	2,980	3,127	3,273	3,424	3,568	3,789
	33,996	35,760	37,524	39,276	41,088	42,816	45,468
23	3,005	3,165	3,326	3,484	3,644	3,803	4,042
	36,060	37,980	39,912	41,808	43,728	45,636	48,504

(Source: Emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days)

Section 310. Appendix C - Physician Administrator Rates and Medical Facilities Administrator Rates for Fiscal Year 1990 1991

	Title	Minimum Salary	Midpoint Salary	Maximum Salary
Medical-Facilities-Adminis- trator-I-Option-G		5,708	6,862	8,016
Medical-Facilities-Adminis- trator-I-Option-D		68,496	82,344	96,192
Medical-Facilities-Adminis- trator-II-Option-G		6,375	7,558	8,741
Medical-Facilities-Adminis- trator-II-Option-D		74,004	88,080	102,156
Medical-Facilities-Adminis- trator-III		7,083	8,302	9,521
Medical-Facilities-Adminis- trator-III		84,996	99,624	114,252
Physician-Administrator-I		7,334	8,558	9,782
Physician-Administrator-I		88,008	102,696	117,384
Physician-Administrator-II		4,508	5,532	6,556
Physician-Administrator-II		54,096	66,384	78,672
Physician-Administrator-II		4,628	5,679	6,730
Physician-Administrator-II		55,536	68,148	80,760

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Physician-Administrator-III	4,752	5,832	6,912
	57,924	69,984	82,944
Physician-Administrator-IV	5,000	6,049	7,098
	60,000	72,588	85,176
Physician-Administrator-V	5,309	6,249	7,189
	63,788	74,988	86,288
Medical Facilities Administrator I Option C	5,965	7,171	8,377
	71,580	86,052	100,524
Medical Facilities Administrator I Option D	6,662	7,898	9,134
	79,944	94,776	109,608
Medical Facilities Administrator II Option C	6,446	7,671	8,896
	77,352	92,052	106,752
Medical Facilities Administrator II Option D	7,403	8,676	9,949
	88,836	104,112	119,388
Medical Facilities Administrator III	7,664	8,943	10,222
	91,968	107,316	122,664
Physician Administrator I	4,711	5,781	6,851
	56,532	69,372	82,212
Physician Administrator II	4,837	5,935	7,033
	58,044	71,220	84,396
Physician Administrator III	4,967	6,095	7,223
	59,604	73,140	86,676
Physician Administrator IV	5,225	6,321	7,417
	62,700	75,852	89,004
Physician Administrator V	5,549	6,531	7,513
	66,588	78,372	90,156

The rates of pay for physicians occupying or appointed to a position in the Physician Administrator classes and the Medical Facilities Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to Physician Administrator positions and the Medical Facilities Administrator classes.

(Source: Emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Section 310.Appendix D - Merit Compensation System Salary Schedule for EMERGENCY Fiscal Year 1990 1991

Salary Range	Minimum Salary	Midpoint Salary	Maximum Salary	Merit Pay Zone Limit
MG-1	\$1,511	\$1,926	\$2,341	\$2,458
	18,132	23,112	28,092	29,496
MG-2	1,577	2,024	2,471	2,595
	18,924	24,288	29,652	31,140
MG-3	1,553	2,141	2,629	2,760
	19,836	25,692	31,548	33,120
MG-4	1,728	2,240	2,752	2,890
	20,736	26,880	33,024	34,680
MG-5	1,813	2,370	2,927	3,073
	21,756	28,440	35,124	36,876
MG-6	1,904	2,490	3,076	3,230
	22,848	29,880	36,912	38,760
MG-7	2,006	2,641	3,276	3,440
	24,072	31,692	39,312	41,280
MG-8	2,115	2,801	3,487	3,661
	25,380	33,612	41,844	43,932
MG-9	2,235	2,956	3,677	3,861
	26,820	35,472	44,124	46,332
MG-10	2,360	3,148	3,936	4,133
	28,320	37,776	47,232	49,596
MG-11	2,494	3,341	4,188	4,397
	29,928	40,092	50,256	52,764
MG-12	2,647	3,564	4,481	4,705
	31,764	42,768	53,772	56,460
MG-13	2,826	3,810	4,794	5,034
	33,912	45,720	57,528	60,408
MG-14	3,024	4,091	5,158	5,416
	36,288	49,092	61,896	64,992

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MC 12	2,767	3,725	4,683	4,917
	33,204	44,700	56,196	59,004
MC 13	2,954	3,982	5,010	5,261
	35,448	47,784	60,120	63,132
MC 14	3,160	4,275	5,390	5,660
	37,920	51,300	64,680	67,920
MC 15	3,392	4,583	5,774	6,063
	40,704	54,996	69,288	72,756
MC 16	3,631	4,924	6,217	6,528
	43,572	59,088	74,604	78,336
MC 17	3,918	5,315	6,712	7,048
	47,016	63,780	80,544	84,576
MC 18	4,223	5,553	6,883	7,227
	50,676	66,636	82,596	86,724
MC 19	4,562	5,802	7,042	7,394
	54,744	69,624	84,504	88,728

(Source: Emergency amendment at Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days)

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MC 15	3,245	4,385	5,525	5,801
	38,940	52,620	66,300	69,612
MC 16	3,475	4,712	5,949	6,246
	41,700	56,544	71,388	74,992
MC 17	3,749	5,086	6,423	6,744
	44,988	61,032	77,076	80,928
MC 18	4,041	5,314	6,587	6,916
	48,492	63,768	79,044	82,992
MC 19	4,365	5,552	6,739	7,076
	52,380	66,624	80,868	84,912
MC 1	\$ 1,580	2,013	2,446	2,568
	18,960	24,156	29,352	30,816
MC 2	1,648	2,115	2,582	2,711
	19,776	25,380	30,984	32,532
MC 3	1,727	2,237	2,747	2,884
	20,724	26,844	32,964	34,608
MC 4	1,806	2,341	2,876	3,020
	21,672	28,092	34,512	36,240
MC 5	1,895	2,477	3,059	3,212
	22,740	29,724	36,708	38,544
MC 6	1,990	2,602	3,214	3,375
	23,880	31,224	38,568	40,500
MC 7	2,097	2,760	3,423	3,594
	25,164	33,120	41,076	43,128
MC 8	2,210	2,927	3,644	3,826
	26,520	35,124	43,728	45,912
MC 9	2,336	3,089	3,842	4,034
	28,032	37,068	46,104	48,408
MC 10	2,467	3,290	4,113	4,319
	29,604	39,480	49,356	51,828
MC 11	2,606	3,491	4,376	4,595
	31,272	41,892	52,512	55,140

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) The Heading of the Part: Personal Use of State Telephones

2) Code Citation: 44 Ill. Adm. Code 5030

3) Section Numbers: Emergency Action:

5030.110 Amendment

5030.120 Amendment

5030.130 Amendment

4) Statutory Authority: Implementing Sections 67.18 and 67.22 and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 63b13.18, 63b13.22 and 16).

5) Effective Date of Emergency Amendments: July 1, 1990

6) If these Emergency amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.

7) Date Filed in Agency's Principal Office: July 1, 1990

8) Reason for Emergency:

To accommodate Illinois Bell Telephone (IBT) tariff changes (under which customers will be charged for local calls), the Department of Central Management Services is making changes to its current policies and procedures. These changes are reflected in the emergency rules which must be effective July 1 since that is the effective date of the IBT tariff changes.

9) A Complete Description of the Subjects and Issues Involved:

The Department is changing its policies and procedures relating to use of State telephones as a result of Illinois Bell Telephone tariff changes. The introduction of measured local service charging the State for all local calls in downstate areas (Springfield, Peoria, Collinsville, Rockford, etc.) and the restructuring of measured telephone service in Chicago has required the Department to reevaluate and establish its policy regarding the reasonable use of State telephones by employees during business hours. This policy was adapted from the policy used by the U.S. General Services Administration. The policy is intended to be effective for a one year trial period after which it will be reevaluated.

10) Are there any Proposed Amendments pending to this Part? No.

11) Statement of Statewide Policy Objectives: These amendments have no impact on local governments.

12) Information and questions regarding these Emergency Amendments shall be.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

directed to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

The full text of the Emergency Amendments begin on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF EMERGENCY AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE D: PROPERTY MANAGEMENT
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5030
PERSONAL USE OF STATE TELEPHONES

- Section
5030.100
5030.110
EMERGENCY
5030.120
EMERGENCY
5030.130
EMERGENCY
5030.140
- Authority
Policy
Applicability
Call-Charges Telephone Usage Policy
Discipline

AUTHORITY: Implementing Sections 67.18 and 67.22 and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 63b13.18, 63b13.22 and 161).

SOURCE: Adopted at 7 Ill. Reg. 9203, effective August 1, 1983; codified at 8 Ill. Reg. 7219; amended at 8 Ill. Reg. 17261, effective October 1, 1984; emergency amendment at 14 Ill. Reg. 11351, effective July 1, 1990, for a maximum of 150 days.

Section 5030.110 Policy Provision of Telephone Service
EMERGENCY

The State will provide and pay for telephone service adequate to conduct State business, consistent with the telephone usage policy contained in Section 5030.130. ~~The State will not pay for private use of State telephones.~~

(Source: Emergency amendment at 14 Ill. Reg. 11351, effective July 1, 1990, for a maximum of 150 days)

Section 5030.120 Applicability
EMERGENCY

This Part applies to all departments, officers, commissions, boards, institutions and bodies politic and corporate of the State except the General Assembly, legislative service agencies and all officers of the General Assembly. The telephone usage policy set forth in Section 5030.130 applies to all departments, officers, commissions and boards under the Governor's jurisdiction. Other State officers may adopt the policy or may implement their own policy if they choose to do so.

(Source: Emergency amendment at 14 Ill. Reg. 11351, effective July 1, 1990, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENTS

Section 5030.130 Call-Charges Telephone Usage Policy
EMERGENCY

- a) All personal calls which would involve a toll charge are to be billed to the employee's home phone or credit card.
- b) Personal toll calls not charged to the employee's home phone or credit card will be charged to the employee at the rate of \$1.00 per minute plus cost of the call. This amount, because of the difficulties in determining actual cost and damage to the State, shall be deemed sufficient to reimburse the State for costs of calls, investigations, billing, lost time and other administrative costs.

a) The intent of this policy is to permit State employees to make reasonable use of State telephone systems and, at the same time, to guard against telephone abuse. The use of State telephone services is limited to official business. Official business calls include emergency calls and calls that are in the best interest of the State. A call may be considered as authorized in the best interest of the State if it meets the following criteria:

- 1) It does not adversely affect the performance of official duties by the employee or the employee's organization.
- 2) It is of reasonable duration and frequency, and
- 3) It could not have reasonably been made during non-work hours.

b) Examples of circumstances that fall under the above guidelines include, but are not limited to, the following:

- 1) An employee is required to work overtime without advance notice and calls within the local commuting area (the area from which the employee regularly commutes) to advise his or her family of the change in schedule or to make alternate transportation or child- or elder- care arrangements.
- 2) An employee makes a brief call to locations within the local commuting area to speak to spouse, minor children, elderly parent (or those responsible for them, e.g., school or day care center, nursing home, etc.).
- 3) The employee makes brief calls within the local commuting area that can be reached only during working hours, such as a local government agency or a physician.
- 4) An employee makes brief calls to locations within the local commuting area to arrange for emergency repairs to his or her residence or automobile.

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c) Personal calls that must be made during working hours may be made if the call falls under the guidelines in subsections 5030.130(a)(1), (2) and (3), but are not representative of the examples given in subsections 5030.130(b)(1), (2), (3) and (4):

- 1) It is charged to the employee's home phone number or other non-government number,
- 2) It is made to an "800" toll-free number,
- 3) It is charged to the called party if a non-state number, or
- 4) It is charged to a personal credit card.

d) For any use of State telephones beyond the parameters of this policy, employees shall be charged actual Department of Central Management Services billed charges plus \$1.00 per minute for long distance calls and \$.50 per minute for local calls. These rates are intended to cover the cost of the calls and the administrative costs associated with processing payment.

ee) The employee shall reimburse the State for toll and other charges by personal check payable to the General Revenue Fund or other appropriate fund as designated by the agency employing the individual. If not paid within 30 days of billing, collection action will be instituted through appropriate legal means.

(Source: Emergency amendment at 14 Ill. Reg. 11351, effective July 1, 1990, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY RULES

1) The Heading of the Part: Reports of Child Abuse and Neglect

2) Code Citation: 89 Ill. Adm. Code 300

3) Section Numbers:
300.20
Emergency Action:
Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 23, pars. 2051 et seq. and 42 U.S.C. 5101 et. seq.

5) Effective Date of Emergency Amendment: July 1, 1990

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date Filed in Agency's Principal Office: June 29, 1990

8) Reason for Emergency: The federal Department of Health and Human Services (HHS) has determined that several of the Department's definitions which pertain to abused and neglected children are not in compliance with the definitions in federal regulations. The effect of the differences in definitions is to leave children in Illinois at greater risk of abuse and neglect then they would be under the federal definitions. Failure to comply with the federal regulations will also mean that Illinois will be ineligible for funds under the Child Abuse Prevention and Treatment Act. HHS has given the Department a deadline of July 1, 1990 to correct the deficiencies.

9) A Complete Description of the Subjects and Issues Involved: The federal department has found the following deficiencies in Illinois' definitions of "abused child", "neglected child", and "person responsible for the child's welfare:

1. The religious exception in the definition of "neglected child" does not conform to federal guidelines. The federal interpretation of Illinois' religious exception is that a child whose parent relies upon spiritual means for treatment in the cure of diseases may not be subject to the reporting, investigation and treatment requirements of the Department's rules. The rule can appear to read that a child being spiritually treated rather than medically treated is not to be considered neglected. As a result, the Department is amending its definition of neglected child to clarify that a child will be considered neglected due to deprivation of necessary medical care or other remedial care.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY RULES

2. The Department's definition of "abused child" does not provide for mental injury inflicted other than as a result of physical injury. HHS questions whether "impairment of emotional health" (Illinois language) is the same as "mental injury" (federal language). In addition, Illinois' definition does not cover threatened harm of neglect. As a result, the definition of "abused child" is being amended to specifically include "mental injury" and to include "substantial risk of neglect".
3. The Department's definition of "responsible person" does not conform to the federal definition. HHS feels that Illinois' definition of a "person responsible for the child's welfare" is not clear. They question whether the Illinois language extends to residential facility employees and out-of-home care staff persons, contrasted with the persons at such places who are in charge of the facility. Federal definition explicitly includes: an employee of a public or private residential home or facility . . . or any staff person providing out of home care." As a result, the Department is amending the definition of "person responsible for the child's welfare" to specify operators, supervisors or employees of public or private residential facilities.

10) Are there any proposed amendments to this Part pending? Yes

Section Numbers	Proposed Action	Illinois Register Citation
300.20	Amendment	13 Ill. Reg. 20159, December 29, 1989
300.30	Amendment	
300.90	Amendment	
300.100	Amendment	
300.140	Amendment	
300.150	Amendment	

- Appendix B
11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3 (b) of the State Mandate Act (Ill. Rev. Stat. 1987, ch 85, par. 2203).

- 12) Information and questions regarding this emergency amendments shall be directed to:

Name: Jacqueline Nottingham, Chief
Address: Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498

Telephone: 217/785-2675

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 300

REPORTS OF CHILD ABUSE AND NEGLECT

Section	Purpose
300.10	Definitions
300.20	Reporting Child Abuse or Neglect to the Department
300.30	Content of Child Abuse or Neglect Reports
300.40	Transmittal of Child Abuse or Neglect Reports
300.50	Referrals to the Local Law Enforcement Agency and State's Attorney
300.70	Delegation of the Investigation
300.80	Time Frames for the Investigation
300.90	Initial Investigation
300.100	The Formal Investigative Process
300.110	Taking Children into Temporary Protective Custody
300.120	Notices Whether Child Abuse or Neglect Occurred
300.130	Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.140	Referral for Other Services
300.150	Special Types of Reports
300.160	ACKNOWLEDGEMENT OF MANDATED REPORTER STATUS
APPENDIX A	CHILD ABUSE AND NEGLECT ALLEGATIONS

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1987, ch. 23, pars. 2051 et seq.) and Section 3 of "AN ACT in relation to the performance of medical, dental or surgical procedures on and counseling of minors" (Ill. Rev. Stat. 1987, ch. 111, pars. 4503) and the The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.).

SOURCE: Former part adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987, amended at 11 Ill. Reg. 1829, effective January 15, 1987, recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170,

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302.180, 302.190, Appendix A at 11 Ill. Reg. 3492; emergency amendments at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified from Section 300.60 at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419 effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356 effective July 1, 1990, for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

Section 300.20 Definitions
EMERGENCY

"Abused Child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

INFLECTS, CAUSES TO BE INFLECTED, OR ALLOWS TO BE INFLECTED UPON SUCH CHILD PHYSICAL OR MENTAL INJURY, BY OTHER THAN ACCIDENTAL MEANS, WHICH CAUSES DEATH, DISFIGUREMENT, IMPAIRMENT OF PHYSICAL OR EMOTIONAL HEALTH, OR LOSS OF IMPAIRMENT OF ANY BODILY FUNCTION;

CREATES A SUBSTANTIAL RISK OF PHYSICAL OR MENTAL INJURY TO SUCH CHILD BY OTHER THAN ACCIDENTAL MEANS WHICH WOULD BE LIKELY TO CAUSE DEATH, DISFIGUREMENT, IMPAIRMENT OF PHYSICAL OR EMOTIONAL HEALTH, OR LOSS OF OR IMPAIRMENT OF ANY BODILY FUNCTION;

COMMITTS OR ALLOWS TO BE COMMITTED ANY SEX OFFENSE AGAINST SUCH CHILD, AS SUCH SEX OFFENSES ARE DEFINED IN THE CRIMINAL CODE OF 1961, AS AMENDED, AND EXTENDING THOSE DEFINITIONS OF SEX OFFENSES TO INCLUDE CHILDREN UNDER 18 YEARS OF AGE;

COMMITTS OR ALLOWS TO BE COMMITTED AN ACT OR ACTS OF TORTURE UPON SUCH CHILD; OR

INFLECTS EXCESSIVE CORPORAL PUNISHMENT.

"Caretaker" means the child's parent(s), guardian or custodian with whom the child lives and who has primary responsibility for the care and supervision of the child.

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.

"Child care facility" means any person, group of persons, agency, association, or organization which arranges for or cares for

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children unrelated to the operator of the facility, apart from the parents. Child care facilities may be established for profit or not-for-profit. "Child care facility" is further defined in Section 2.05 of the Child Care Act and includes foster family homes and day care homes.

"CHILD PROTECTIVE SERVICE UNIT" (CPS) MEANS CERTAIN SPECIALIZED STATE EMPLOYEES OF THE DEPARTMENT ASSIGNED BY THE DIRECTOR OR HIS DESIGNEE TO PERFORM THE DUTIES AND RESPONSIBILITIES AS PROVIDED under this Part. They are also known as investigative staff.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Collateral contact" means obtaining information concerning a child, parent, or other person responsible for the child from a person who has knowledge of the family situation but was not directly involved in referring the child or family to the Department for services.

"Credible evidence of child abuse or neglect" means that the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe that a child was abused or neglected.

"Delegation of an investigation" means the decision whether a report of child abuse or neglect was "indicated" or "unfounded" has been deferred to another authority. The Department maintains responsibility for entering information about the report in the State Central Register and for notifying the subjects of the report and mandated reporters of the results of the investigation.

"Department," as used in this Part, means the Department of Children and Family Services.

"Determination" means a final Department decision about whether there is credible evidence that child abuse or neglect occurred. A determination must be either "indicated" or "unfounded."

"Disfigurement" means a serious or protracted blemish, scar, or deformity that spoils a person's appearance or limits bodily functions.

"Formal investigation" means those activities conducted by Department investigative staff necessary to make a determination as

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to whether a report of suspected child abuse or neglect is indicated or unfounded. Such activities shall include:

AN EVALUATION OF THE ENVIRONMENT OF THE CHILD NAMED IN THE REPORT AND ANY OTHER CHILDREN IN THE SAME ENVIRONMENT; A DETERMINATION OF THE RISK TO SUCH CHILDREN IF THEY CONTINUE TO REMAIN IN THE EXISTING ENVIRONMENTS, AS WELL AS A DETERMINATION OF THE NATURE, EXTENT AND CAUSE OF ANY CONDITION ENUMERATED IN SUCH REPORT, THE NAME, AGE AND CONDITION OF OTHER CHILDREN IN THE ENVIRONMENT; AND AN EVALUATION AS TO WHETHER THERE WOULD BE AN IMMEDIATE AND URGENT NECESSITY TO REMOVE THE CHILD FROM THE ENVIRONMENT IF APPROPRIATE FAMILY PRESERVATION SERVICES WERE PROVIDED. AFTER SEEING TO THE SAFETY OF THE CHILD OR CHILDREN, THE DEPARTMENT SHALL FORTHWITH NOTIFY THE SUBJECTS OF THE REPORT IN WRITING, OF THE EXISTENCE OF THE REPORT AND THEIR RIGHTS EXISTING UNDER THIS ACT IN REGARD TO AMENDMENT OR EXPUNGEMENT.

"Indicated Report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Initial Investigation" means those activities conducted by Department investigative staff to determine whether a report of suspected child abuse or neglect is a good faith indication of abuse or neglect and, therefore, requires a formal investigation. Good faith in this context means that the report was made with the honest intention to identify actual child abuse or neglect.

"Initial Oral Report" means a report alleging child abuse or neglect for which the State Central Register has no prior records on the family.

"Involved Subject" means a child who is the alleged victim of child abuse or neglect or a person who is the alleged perpetrator of the child abuse or neglect.

"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.

"Mandated reporters" means those individuals required to report suspected child abuse or neglect to the Department. A list of these persons and their associated responsibilities is provided in Section 300.30 of this Part.

"NEGLECTED CHILD" MEANS ANY CHILD WHOSE PARENT OR OTHER PERSON RESPONSIBLE FOR THE CHILD'S WELFARE WITHHOLDS OR DENIES NOURISHMENT

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OR MEDICALLY INDICATED TREATMENT INCLUDING FOOD OR CARE DENIED SOLELY ON THE BASIS OF PRESENT OR ANTICIPATED MENTAL OR PHYSICAL IMPAIRMENT AS DETERMINED BY A PHYSICIAN ACTING ALONE OR IN CONSULTATION WITH OTHER PHYSICIANS OR OTHERWISE DOES NOT PROVIDE or there is a substantial risk that such parent or person responsible will not provide THE PROPER OR NECESSARY SUPPORT, EDUCATION AS REQUIRED BY LAW, OR MEDICAL OR OTHER REMEDIAL CARE RECOGNIZED UNDER STATE LAW AS NECESSARY FOR A CHILD'S WELL-BEING, INCLUDING ADEQUATE FOOD, CLOTHING AND SHELTER; OR WHO IS ABANDONED BY HIS OR HER PARENTS OR OTHER PERSON RESPONSIBLE FOR THE CHILD'S WELFARE. A CHILD SHALL NOT BE CONSIDERED NEGLECTED OR ABUSED FOR THE SOLE REASON THAT SUCH CHILD'S PARENT OR OTHER PERSON RESPONSIBLE FOR HIS OR HER WELFARE DEPENDS UPON SPIRITUAL MEANS THROUGH PRAYER ALONE FOR THE TREATMENT OR CURE OF DISEASE OR REMEDIAL CARE UNDER SECTION 4 OF THIS ACT BUT SHALL BE CONSIDERED neglected or abused due to deprivation of necessary medical or other remedial care. For the purposes of Ill. Rev. Stat., Ch. 23, par. 2053, spiritual means through prayer alone do not constitute medical or other remedial care recognized under State law as necessary for a child's well-being." (Ill. Rev. Stat. 1987 ch. 23, par. 2053)

"PERPETRATOR" MEANS A PERSON WHO, AS A RESULT OF INVESTIGATION, HAS BEEN DETERMINED BY THE DEPARTMENT TO HAVE CAUSED CHILD ABUSE OR NEGLECT.

"PERSON RESPONSIBLE FOR THE CHILD'S WELFARE" MEANS THE CHILD'S PARENT, GUARDIAN, FOSTER PARENT, ANY-PERSON-RESPONSIBLE-FOR-THE-CHILD'S-WELFARE-IN operator, supervisor, or employee of a PUBLIC OR PRIVATE RESIDENTIAL AGENCY OR INSTITUTION--ANY-PERSON-RESPONSIBLE-FOR-THE-CHILD'S-WELFARE-WITHIN-A OR PUBLIC OR PRIVATE PROFIT OR NOT-FOR-PROFIT CHILD CARE FACILITY; OR ANY OTHER PERSON RESPONSIBLE FOR THE CHILD'S WELFARE AT THE TIME OF THE ALLEGED ABUSE OR NEGLECT, OR ANY PERSON WHO CAME TO KNOW THE CHILD THROUGH AN OFFICIAL CAPACITY OR POSITION OF TRUST, INCLUDING BUT NOT LIMITED TO HEALTH CARE PROFESSIONALS, EDUCATIONAL PERSONNEL, RECREATIONAL SUPERVISORS, AND VOLUNTEERS OR SUPPORT PERSONNEL IN ANY SETTING WHERE CHILDREN MAY BE SUBJECT TO ABUSE OR NEGLECT.

"Subject of a report" means any child reported to the child abuse/neglect State Central Register, his or her siblings living in the home, and his or her parent, personal guardian or other person responsible for the child's welfare who is named in the report, and any other person living in the home.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated by the Department, subject to review by the Court. Temporary protective

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custody cannot exceed 48 hours excluding Saturdays, Sundays and holidays.

"Undetermined report" means any report of child abuse or neglect made to the Department in which it was not possible to complete an investigation within 60 days on the basis of information provided to the Department.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

(Source: Emergency amendment at 14 Ill. Reg. 11356 effective July 1, 1990 for a maximum of 150 days.)

STATE BOARD OF EDUCATION
NOTICE OF EMERGENCY AMENDMENTS

1) The Heading of the Part: Special Education

2) Code Citation: 23 Ill. Adm. Code 226

3) Section Numbers:

226.40	<u>Emergency Action:</u>
226.520	Repeal
226.525	Amendment
226.552	Amendment
226.555	Amendment
226.560	Amendment
226.562	Amendment
226.605	Amendment
226.612	Repeal
226.615	Amendment
226.620	Repeal
226.680	Amendment
226.684	Amendment
226.720	Amendment
226.730	Amendment

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 122, par. 14-1.01 et seq.

5) Effective Date of Amendments : June 26, 1990

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.

7) Date Filed in Agency's Principal Office: June 21, 1990

8) Reason for Emergency: The State Board of Education has been informed in writing that receipt of its federal funds for Special Education for Fiscal Year 1991 is contingent upon its amending the administrative rules for the program in seven specific areas, and that the rulemaking must be in effect no later than July 1, 1990, if funding for Special Education is not to be interrupted. Amendmentary language which will be satisfactory to the Office of Special Education Programs within the U.S. Department of Education has recently been negotiated and is set forth in the present amendments.

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Exceptional Characteristics - Educational Handicap, Behavior Disorder: Identification of children as "educationally handicapped" will not be permitted after September 1, 1991, and all students previously eligible for special education in this category will be reevaluated to determine their continued eligibility by virtue of some other characteristic or combination of characteristics. The definition of "behavior disorder" is being amended to reflect the federal definition more closely. (Section 226.552)

Placement After Development of Individualized Education Program (IEP): The rules currently require a placement decision to be made at the multidisciplinary conference, instead of at the end of the IEP meeting when all other educational decisions have been made. The amendment will require that placement be determined only after the IEP has been written. (Sections 226.555 and 226.560)

Surrogate Parent: The current rules allow for the appointment of more than one person as surrogate parent. The amended version will require that one person be appointed, and will include other changes needed to update the language in the rules. (Sections 226.720 and 226.730)

- 10) Are there any proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objectives: These rules will not create or enlarge a state mandate.

- 12) Information and questions regarding this amendment shall be directed to:

Name: Vaughn Morrison
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-6601

The full text of the emergency amendments begins on the next page:

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Illinois' annual federal allocation for Special Education amounts to approximately \$70 million. These funds are used to serve approximately 235,000 students who must be guaranteed a free, appropriate public education. Not only students in special education per se, but all Illinois students, would be adversely affected by the loss or interruption of these funds. The State Board therefore believes that this situation constitutes a basis for emergency rulemaking as set forth in the Illinois Administrative Procedure Act.

- 9) A Complete Description of the Subjects and Issues Involved:

The Office of Special Education Programs has confirmed that it will require the State Board to make changes in seven different aspects of the rules for Special Education. These are described below, with the affected Sections indicated in parentheses.

Denial of Due Process: The rules currently allow for factors other than nonresidency as a basis for denying a hearing request, which is contrary to federal regulation. The amendments will limit denials to those based on nonresidency. (Sections 226.612, 226.615, and 226.620)

Timeline for Appeal of a Level I Hearing Order: The current rule allows 15 days for an appeal; a change to a 30-day time limit is being required. (Section 226.680)

Emergency Placement: The rules currently allow for suspensions and expulsions of special education students for periods of time which exceed that allowed in the Supreme Court's ruling in Honig v. Doe. (Sections 226.40, 226.562, 226.605, and 226.684)

Consent for Reevaluation: Illinois districts are currently required to secure written parental consent for reevaluation of students and may request a hearing if such consent is withheld. The amendments will require written consent only for an initial evaluation, with advance notification to parents of the district's intent to reevaluate a student. (Sections 226.520 and 226.525)

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

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226.5

Terms Defined

SUBPART B: RESPONSIBILITY FOR SPECIAL EDUCATION

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Cost to be Borne by Local School District
Comprehensive Program of Special Education
Cooperative Special Education Programs
Rights of Children Requiring Special Education-
EMERGENCY Exclusion, Suspension (Repealed)

SUBPART C: THE ESTABLISHMENT AND ADMINISTRATION OF SPECIAL EDUCATION

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Educational Needs to be Met
Continuum of Program Options
Ages for Which Programs are to be Available
Least Restrictive Environment
Facilities for Classes for Handicapped
Written Policies for Handicapped Students' Records
Director of Special Education
Supervision
Role of Local District Administrator
Responsibilities to Be In Writing
Approval of Programs and Services Not in Compliance
With this Part

SUBPART D: SPECIAL EDUCATION INSTRUCTIONAL PROGRAMS AND RESOURCE PROGRAMS

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Curriculum for Instructional Programs
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226.230 Integration of Student Into Standard Program
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SUBPART E: SPECIAL EDUCATION RELATED SERVICES

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Related Services to be Provided by School District
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SUBPART G: HOME OR HOSPITAL PROGRAM

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Content of Home and Hospital Programs
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Commencement
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Referral to State or Private Facilities
Availability of Community Resources
Residential Placement
District's Responsibility to Locate Alternate Programs
Local District Responsible for Payment When Private
Facility is Utilized
Annual Approval of Private Placements
Agreement Between Local School District and Private
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226.450 Monitoring of Student Progress by School District
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SUBPART I: IDENTIFICATION, EVALUATION AND PLACEMENT OF
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226.505 Communication of Special Education Programs to Public
226.510 Child Find Activities
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226.525 Parental Consent for Initial Case Study or Initial
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226.535 Case Study Evaluation Components
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226.550 Formulation of Program and Service Options
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226.558 Results and Recommendations to be in Writing
226.560 Placement-Recommendation-and Development of IEP and
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226.564 Authority of School Board to Place Students
226.566 Completion to be in 60 School Days
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226.575 Timeline for Placement

226.578 Annual Review of Child Status
226.580 Notice to Parents Regarding Evaluation
226.585 Written Notice to Parents
226.590 Written Notice to Parents Prior to Change in Placement
226.595 Termination of Special Education Services

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SUBPART J: LEVEL I AND LEVEL II DUE PROCESS HEARINGS

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226.605 Request for Level I Hearing
EMERGENCY
226.610 Information to Parents Concerning Right to Hearing
226.612 Request for Hearing To Be Made to Superintendent
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226.615 Local School District Request or Response Thereto
EMERGENCY
226.620 Denial of Hearing Request (Repealed)

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226.622 Qualifications of Level I Hearing Officers
226.625 Selection of Level I Hearing Officer
226.630 Purpose of Hearing (Repealed)
226.631 Removal of Registered Hearing Officers (Repealed)
226.632 Scheduling the Hearing
226.635 Hearings Open to Public and to Child Who is Subject
(Repealed)

226.636 Rights of the Parties Prior to the Hearing
226.640 Rights of the Parties During the Hearing
226.650 Hearing Concerning Any Other Controversy (Repealed)
226.655 Local School District's Responsibility (Repealed)
226.660 Cross-Examination (Repealed)
226.665 Rules of Evidence Not Applicable (Repealed)
226.670 Record of Proceedings
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226.680 Filing of an Appeal

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226.682 Filing of Administrative Record
226.684 Placement of the Child Pending Completion of a Level II
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226.685 State Level Review (Repealed)
226.688 Oral Arguments and Extensions of Time
226.690 Timeliness and Finality of Reviewing Officer's Decision
226.692 Monitoring and Enforcement of Decisions; Right of Civil
Action; Notice of Funding Ineligibility
226.695 Reporting of Decisions
226.698 Enforcement of State Superintendent's Decision
(Repealed)

SUBPART K: SURROGATE PARENTS

Section
226.710 Surrogate Parents
226.720 Contacting Parents of Child
EMERGENCY

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NOTICE OF EMERGENCY AMENDMENTS

- 226.730 Appointment of Surrogate Parent
 EMERGENCY
 226.740 Notice to School District Concerning Surrogate Parent
 226.750 Expenses for Surrogate Parent
 226.760 Notification that Surrogate Parent is Not Needed
 226.770 Replacement by Natural Parent
 226.780 Immunity of Surrogate Parent
- SUBPART L: SPECIAL EDUCATION PERSONNEL
- Section
 226.810 Employment of Sufficient and Trained Personnel
 226.820 Qualifications of Professional Instructional Personnel
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 226.840 Qualifications of Directors and Assistant Directors
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 226.910 Eligibility for Transportation
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 226.938 Change in Mode of Transportation
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 226.1010 Evaluation By State Board
 226.1020 Bases of Evaluation
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SUBPART O: SPECIAL EDUCATION SERVICES FOR CHILDREN IN RESIDENTIAL CARE FACILITIES

- Section
 226.1110 Equal Access for Children in Residential Care Facilities
 226.1112 Definitions from Section 14-7.03

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- 226.1115 Exclusions When Implementing Section 14-7.03
 226.1120 Enrollment in District Required
 226.1125 Requirements for Educational Program on Site of Orphanage or Children's Home
 226.1130 Approval of Special Education Program at Orphanage or Children's Home
 226.1135 Least Restrictive Environment
 226.1140 IEP for All Children
 226.1145 Compliance With This Part Subject to State Board of Education Evaluation
 226.1150 Criteria for Eligibility of Children
 226.1155 Resident Children Eligible for All Privileges
 226.1160 Local District Policies Applicable
 226.1170 Communications Regarding Child's Special Education Reimbursement
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 226.1180 Possible Waiver of Sections 226.1120 and 226.1150
 226.1185 Computation of District's Reimbursement
 226.1190 Preapproval Application
 226.1195 Documentation of Expenses

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of The School Code, (Ill. Rev. Stat. 1989, ch. 122, pars. 14-1.01 et seq. and 2-3.6).

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990 for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

SUBPART B: RESPONSIBILITY FOR SPECIAL EDUCATION

- Section 226.40 Rights of Children Requiring Special Education-
 EMERGENCY Exclusion, Suspension (Repealed)

The local school district shall be responsible for ensuring that those children who require special education services enjoy rights and privileges equal to those of all other children.

a) No exceptional child between the ages of three and twenty-one may be permanently excluded from the public schools; either by direct action by the board of education, by indication of the district's inability to provide an educational program, or by informal agreement between parents and the school district to allow the child to remain without an educational program.

b) A child who has been determined eligible for a special education instructional or resource program or related service shall not be expelled for behavior or a condition which is7 or results from7 an exceptional characteristic as defined in The School Code (Ill. Rev. Stat. 19017-eh7-1227, pars. 14-1702 and 14-1703a) and this Part.

1) Nothing in these rules shall be construed to prohibit the suspension of any child, pending special education placement as herein provided, when such suspension is warranted due to physical danger to the student, other students, faculty, or school property caused by the child's presence.

2) If a child has been suspended due to physical danger to himself or herself, other students, faculty, or school property caused by the child's continued presence, the local school district shall be responsible for developing and providing an appropriate educational program during the period preceding special education placement.

(Source: Emergency repealer at 14 Ill. Reg. 11364, effective June 26, 1990 for a maximum of 150 days)

SUBPART I: IDENTIFICATION, EVALUATION AND PLACEMENT OF EXCEPTIONAL CHILDREN

Section 226.520 Notification to Parents of Exceptional Children EMERGENCY

Parents or guardians of an exceptional child must be notified in writing at least ten (10) calendar days prior to the event when the local school district proposes to initiate or change the

identification, case study evaluation, reevaluation, or educational placement of the child; or the lack of a provision of a free appropriate public education to the child refuses to initiate or change the identification, case study evaluation, reevaluation, or educational placement of the child.

a) The notice shall be:

- 1) Written in language understandable to the general public, and
- 2) Provided in the native language of the parent or other mode of communication used by the parents, unless it is clearly not feasible to do so.

- 3) If the native language or other mode of communication of the parent is not a written language, the local school district shall insure:

- A) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication,
- B) That the parent understands the content of the notice, and
- C) That there is written evidence on file that the requirements of these regulations have been met.

b) The notice shall contain:

- 1) A full explanation of all of the procedural safeguards available to the parents, including the availability upon request of a list of free or low cost legal and other relevant services available locally to assist parents in initiating an impartial due process hearing;

- 2) A description of the action proposed or refused by the local school district, an explanation of why that district proposes or refuses to take the action, and a description of any options that district considered and the reasons why those options were rejected;

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- c) Physical and health impairment - The child exhibits a physical or health impairment, either temporary or permanent, which interferes with his or her learning and/or which requires adaptation of the physical plant.
- d) Speech and/or language impairment - The child exhibits deviations of speech and/or language processes which are outside the range of acceptable deviation within a given environment and which prevent full social or educational development.

e) Specific learning disability - The child exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

f) Education handicap - The child exhibits educational maladjustment related to social or cultural circumstances. After September 1, 1991, no child may be identified pursuant to these rules as educationally handicapped. Children identified under this characteristic prior to September 1, 1991, must be reevaluated and their eligibility for continued services under any other exceptional characteristic listed here determined. Disagreements regarding this determination shall be a basis for requesting an impartial due process hearing as delineated in Subpart J.

g) Behavior disorder/emotional disorder - The child exhibits an affective disorder and/or adaptive behavior which significantly interferes with his or her learning and/or social functioning. The term means a condition exhibiting one or more of the following characteristics over an extended period of time and to a marked degree which adversely affects educational performance, even after supportive assistance has been provided. The student must demonstrate an inability to learn which cannot be explained by intellectual, sensory, health, cultural, or linguistic factors; an inability to

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- 3) A description of each evaluation procedure, test, record, or report that district used as a basis for the proposal or refusal; and
- 4) A description of any other factors which are relevant to that district's proposal or refusal.
- c) Record of such notice shall be entered in the child's temporary school student record.

(Source: Emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990 for a maximum of 150 days)

Section 226.525 Parental Consent for Initial Case Study or Initial Placement
EMERGENCY

Parental consent shall be obtained before:

- a) Conducting any initial case study evaluation or reevaluation of the child;
- b) Initial placement of an exceptional child in a program providing special education and related services.

(Source: Emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990 for a maximum of 150 days)

Section 226.552 Characteristics Determining Eligibility for Special Education
EMERGENCY

Eligibility for special education programs and services shall be determined by the presence of one or more of the following exceptional characteristics:

- a) Visual impairment - The child's visual impairment is such that the child cannot develop his or her educational potential without special services and materials.
- b) Hearing impairment - The child's residual hearing is not sufficient to enable him or her to understand the spoken word and to develop language, thus causing extreme deprivation in learning and communication. Or the child exhibits a hearing loss which prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning achievement.

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develop or maintain satisfactory interpersonal relationships with peers and adults; or inappropriate types of behavior or feelings under normal circumstances; or a general pervasive mood of anxiety, unhappiness, depression; or a tendency to develop physical symptoms or fears associated with personal or school problems.

h) Mental impairment - The child's intellectual development, mental capacity, adaptive behavior, and academic achievement are markedly delayed. Such mental impairment may be mild/moderate, severe, or profound.

i) Multiple impairment - The child exhibits two or more impairments, severe in nature or total impact, which significantly affect his or her ability to benefit from the educational program.

(Source: Emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990 for a maximum of 150 days)

Section 226.555 Determination of Recommendations for Special Education Placement and Related Services Eligibility

Recommendations made at the multidisciplinary conference shall be determined by consensus of the participating public school personnel; if an agreement cannot be reached, additional information shall be obtained. In considering a child with mental impairment, a certified school psychologist must concur with the child's eligibility based on the results of a psychological evaluation. In order for an eligibility decision to occur, the child must be evaluated in accordance with these regulations, found to exhibit one or more of the exceptional characteristics listed in Section 226.552 which adversely affect the child's educational performance, and require special education and related services. Without an adverse effect on educational performance caused by the exceptional characteristic, the child cannot be eligible for special education and related services.

a) Recommendations for special education placement shall be based on the following:

- 1) The child shall be placed in the educational program which is appropriate to the student's needs and least restrictive of the interaction with nonhandicapped children.

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2) The special education placement must be based on the child's IEP, and located as close as possible to the child's home.

3) Unless a handicapped child's IEP requires some other arrangement, the child must be educated in the school which he or she would attend if not handicapped.

4) Consideration must be given to any potentially harmful effect on the child, on the quality of services which he or she needs, or that which impedes the education of other students in the environment.

b) The proposed placement shall be consistent with the findings of the case study evaluation and the established eligibility of the child.

(Source: Emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days)

Section 226.560 Placement Recommendation and Development of IEP Emergency and Placement Decision

If the initial multidisciplinary conference was held for the purpose of formulating a placement recommendation determining eligibility, an additional meeting or meetings must be held for the purpose of developing, reviewing, and/or revising the exceptional child's IEP and determining placement based upon the IEP. Each local district must be responsible for initiating and conducting one or more meetings for the purpose of developing, reviewing, and revising the IEP. The meeting at which an exceptional child's IEP is developed must be held within thirty (30) days of a determination that the child needs is eligible for special education and related services.

a) Parents of an exceptional child must be notified of the meeting to develop, review, and revise an exceptional child's IEP. The local school district must take steps to insure that the parents of an exceptional child are present at each meeting or are afforded the opportunity to participate, including:

- 1) Notifying parents of the meeting early enough to insure that they will have an opportunity to attend; and

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- 2) Scheduling the meeting at a mutually agreed on time and place.
- 3) The notice must indicate the purpose, time and location of the meeting, and who will be in attendance.
- b) The following participants must be included in the IEP meeting:
 - 1) A representative of the local district, other than the child's teacher, who is qualified to provide or supervise the provision of special education (e.g., the state-approved special-education director-or-designee) and authorized to commit services.
 - 2) The child's teacher. Teacher organization representatives may not attend without parental and district consent.
 - 3) One or both of the child's parents or guardians.
 - A) If neither parent can attend, the local district shall use other methods to insure parent participation, including individual or conference telephone calls.
 - B) A meeting may be conducted without a parent in attendance if the local district is unable to convince the parents that they should attend. In this case the local district must have a record of its attempts to arrange a mutually agreed on time and place such as:
 - i) Detailed records of telephone calls made or attempted and the results of those calls.
 - ii) Copies of correspondence sent to the parents and any responses received, and
 - iii) Detailed records of visits made at the parent's home or place of employment and the results of those visits.
 - 4) The child, where appropriate.

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- 5) Other individuals at the discretion of the parent or local district.
- c) For an exceptional child who has been evaluated for the first time, the local district shall insure that a member of the evaluation team participates in the meeting or that the representative of the local district, the child's teacher, or some other person who is knowledgeable about the evaluation procedures used with the child and is familiar with the results of the evaluation, participates in the meeting, as well as an interpreter for the deaf if necessary.
- d) Recommendations for special education placement shall be based on the following:
 - 1) The child shall be placed in the educational program which is appropriate to the student's needs and least restrictive of the student's interaction with nonhandicapped children.
 - 2) The special education placement must be based on the child's IEP, and located as close as possible to the child's home.
 - 3) Unless a handicapped child's IEP requires some other arrangement, the child must be educated in the school which he or she would attend if not handicapped.
 - 4) Consideration must be given to any potentially harmful effect on the child, or the quality of services which he or she needs.
 - e) The proposed placement shall be consistent with the findings of the case study evaluation.

(Source: Emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990 for a maximum of 150 days)

Section 226.562 IEP Content and Parental Access
EMERGENCY

 - a) The IEP shall include, but is not limited to, the following:
 - 1) A statement of the child's present levels of educational performance;

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- 2) A statement of annual goals, including short-term instructional objectives;
- 3) A statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs. Related services shall not include those services provided by licensed physicians, except for their diagnostic or evaluation services and consultation to education staff; licensed dentists except for diagnosis or evaluation and consultation to education staff; physician extenders; registered or licensed practical nurses, except as they are performing the function of a school nurse; and other medical personnel involved in the provision of ongoing medical care.
- 4) The projected dates for initiation of services and the anticipated duration of the services; and
- 5) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved.

b1 Additionally, the conferees shall, upon reviewing the reported findings and determinations of the multi-disciplinary conferees, consider and, when the nature of the child's impairment or educational history warrants, provide for the measured, progressive, behavioral modification techniques which may be utilized to remediate any unacceptable conduct of the child while assuring both uninterrupted services to the child in the least restrictive placement possible and minimization of any harmful effects of the child's conduct upon other students. In no case shall a child's placement or services be disrupted or restricted without the consent of the child's parents, except as provided for within the child's implemented individualized education program. Any disruption, alteration or restriction of the child's placement and services not provided for within the child's individualized education program shall be deemed an unauthorized change of the child's placement. In no case shall the individualized education program include any behavioral modification technique which would have the effect of disrupting the child's services for a period greater than 10 school days. The individualized

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education program shall provide for notice to the child's parents whenever any of the enumerated behavioral modification techniques provided for within the individualized education program is utilized. If the child's placement and services are unilaterally disrupted by the school district's personnel for a period greater than 10 school days, the State Board of Education shall, upon receiving notice of such disruption, take action to immediately restore services to the child.

- c1 The local district shall give the parent, on request, a copy of the exceptional child's IEP.
- d1 Following the determination of the child's IEP, parents shall be afforded, on an ongoing basis, reasonable opportunity for comment on and input into their child's educational program.

(Source: Emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days)

SUBPART J: LEVEL I AND LEVEL II DUE PROCESS HEARINGS

Section 226.605 Request for Level I Hearing
EMERGENCY

- a) The parents or other representatives of the child, the school district, or the student acting upon his or her own behalf may request a Level I hearing.
- b) A Level I hearing may be requested for, but not limited to, the following reasons:
 - 1) Objection to signing consent for a proposed case study evaluation or initial placement.
 - 2) Failure of the local school district, upon request of the parents, other persons having primary care and custody of the child, the child, or the State Board of Education (in this Subpart, the State Board), to provide a case study evaluation.
 - 3) Failure of a local school district to consider evaluations completed by qualified professional personnel outside the school district.
 - 4) Objection to a proposed special education placement, either an initial placement, a

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continuation of a previous placement, or a major change in the placement.

- 5) Termination of a special education placement.
- 6) Failure of the local school district to provide a special education placement consistent with the finding of the case study evaluation and the recommendations of the multidisciplinary conference.
- 7) Failure of the local school district to provide the least restrictive special education placement appropriate to the child's needs.
- 8) Provision of special education instructional or resource programs, or related services in an amount insufficient to meet the child's needs.
- 9) A suspension totaling individually or in aggregate ten (10) or more school days in a given school year of a child who is in a special education instructional or resource program or who receives special education related services.
- 10) A suspension totaling individually or in aggregate ten (10) or more school days in a given school year of a child who is eligible for a special education instructional program or resource service but who has not been placed in such a program or provided such a service.
- 11) Reasonable belief by the parents, other persons having primary care and custody of the child, or the child, that the child's suspension or expulsion resulted from behavior or a condition symptomatic of an exceptional characteristic as defined in Sections 14-1.02 through 14-1.07 of the School Code (217 Rev. Stat. 1907, ch. 122, pars. 14-1.02 through 14-1.07) and this Part.

2) Recommendation for the graduation of an exceptional child.

10) Failure of the local school district to comply with any of these rules and/or The School Code.

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11) Failure of the local school district to provide an exceptional child with a free appropriate public education.

- c) Receipt of a request for an impartial due process hearing shall cause the child to remain in his or her current educational placement, unless a mutual agreement is reached between the parents and local school district, until the matter is resolved.
- d) If the child is receiving no educational service and the parents are seeking initial placement in a public school, the child, with the consent of the parents, must be placed in the public school program until the completion of all the proceedings.

(Source: Emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990 for a maximum of 150 days)

Section 226.612 Request for Hearing To Be Made to Superintendent
EMERGENCY (Repealed)

A request for a hearing shall be made in writing to the superintendent of the local school district in which the child is a resident. Such a request shall contain the reasons the hearing is being requested and all other information pertinent to the request.

a) A request for a hearing or an appeal to the State Board of Education may be made at any time significantly different circumstances prevail; otherwise, a hearing may not be requested nor an appeal made more than once each calendar year.

b) Such a request shall be made in writing, within ten (10) calendar days of the parents' receipt of the written notification regarding the proposed placement. If the parents have not made a request within the ten (10) day period, the parent may request a hearing at a later date in accordance with Section 226.605.

(Source: Emergency repealer at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days)

Section 226.615 Local School District Request or Response
EMERGENCY Thereto

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Pursuant to Section 226.605 of this Subpart, either the district or the parents of the any child resident within the district may request a Level I hearing.

- a) If the district makes the request, it shall be sent in writing to the State Board, attention Special Education Department, in Springfield, and at the same time a copy shall be sent to the other party. This letter shall include the information set forth in subsection (b)(1)(A), (C) and (D) of this Section.
- b) If When the local school district receives and agrees to a request for a Level I hearing from the parents of the child, pursuant to Section 226-612 of this Subpart, then within five (5) school days of its receipt of the request the local school district shall:

- 1) Send a certified letter to the State Board (attention Special Education Department, in Springfield) requesting the appointment of a Level I hearing officer. This letter shall include:
 - A) the name, address, and telephone number of the child and parents, and of the person making the request for the hearing, if it is someone other than the child or parents;
 - B) the date on which the request for the hearing was received by the local school district;
 - C) the nature of the controversy to be resolved;
 - D) the primary language spoken by the parents and child; and
 - E) a copy of the parent's request.
- 2) Send to the person requesting the hearing, by certified mail, a copy of the letter sent to the State Board.
 - A) If the hearing has been requested by someone other than the child's parents, the district shall inform the parents by certified mail of the request and invite them to participate in the proceedings.
 - B) All references to parents made in the remainder of this Subpart shall be understood

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to include both the parents and the person requesting the hearing.

(Source: Emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days)

Section 226.620 Denial of Hearing Request (Repealed) EMERGENCY

- a) If the district decides not to honor the request for a hearing, the parents of the student shall be notified of this denial. Such notification shall be made in writing within five (5) calendar days of the district's receipt of the request and shall set forth the specific reason(s) for the denial. The notice of denial shall inform the parents of their right to appeal the denial. The district shall, at the same time, transmit a copy of the notice of denial to the State Board in Springfield.
- b) The district's denial of the hearing request must be based upon, and the notice of denial must set forth, at least one of the following reasons:
 - 1) the student is not a resident of the district, and/or
 - 2) a Level I Hearing or a Level II Review was completed during the previous calendar year, the district completed with the final binding order and continues to implement the decision, and the new request, if honored, would result in a second hearing of substantially the same issues upon the same facts.
- c) If the district denies the request for a hearing or fails within five (5) calendar days of its receipt of said request either to deny the request or to initiate the hearing procedures, the parents may submit a written request to the State Board for a review of the district's denial or for a notice from the State Board to the district that it must immediately initiate the hearing procedures if it has failed to take any action. If the parents are requesting a review by the State Board of a district denial, the State Board shall conduct such inquiries as it deems necessary to determine:

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- 1) whether the student is a resident of the district, and/or
- 2) whether a Level I Hearing or a Level II Review and decision was issued during the previous calendar year, and became final and binding upon the parties, and if so,
- 3) whether the district has been found to be in compliance with the decision.
- d) If the State Board determines that a binding decision remains in effect and that the basis of the new request is substantially the same as the basis of the previously resolved dispute, or that the student is not a resident of the district, it shall notify the parents of its determination and that it will not advise the district to honor the request for a new hearing. The State Board shall make such a determination within ten (10) calendar days after its receipt of the request from the parents and shall transmit its determination in writing to the parties.
- e) If the State Board determines pursuant to the criteria set forth in subsection (c) of this Section, that the district has acted wrongfully in denying the request, it shall notify the parties of its determination in writing within ten (10) calendar days after receipt of the parents' request, and shall simultaneously notify the district that it is obligated to initiate the hearing.
- f) If the State Board determines that the district's denial was proper, the parents may file an appeal of the State Board's decision. Such an appeal shall proceed in accordance with Section 226-680 et seq. of this Subpart. Similarly, if the State Board determines that the district is obligated to commence the proceedings for convening a hearing, the district may file an appeal. The appeal shall also be subject to the provisions of Section 226-680 et seq. of this Subpart.

(Source: Emergency repealer at 14 Ill. Reg. 11364, effective June 26, 1990 for a maximum of 150 days)

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Section 226.680 Filing of an Appeal
EMERGENCY

- a) Any party aggrieved by the decision of the Level I hearing officer may file for a Level II review. The appeal request shall be in writing, shall be filed by mail or personal service no later than fifteen (15) thirty (30) calendar days after receipt by the party of the Level I hearing officer's decision, and shall be submitted to the State Board of Education, attention Legal Department, Suite 14-300, 100 West Randolph, Chicago, Illinois 60601. At the time of filing the appeal, the appealing party shall serve a copy of the appeal request upon the opposing party by mail or personal service.
- b) A request for a Level II review shall:
- 1) state that an appeal of a Level I decision is being requested;
 - 2) set forth the portions of the Level I decision with which the party disagrees;
 - 3) set forth the reasons the decision should be changed;
 - 4) state the relief requested;
 - 5) set forth a request for oral argument, if desired; and
 - 6) state that a copy of the request has been served on the opposing party.
- c) Upon receipt of the any appeal request, the State Board of Education shall immediately transmit to the parties by certified mail a list naming five available and qualified impartial reviewing officers. Upon receipt of said list, the district's representative shall immediately telephone the parents. The parties shall then, with the parents striking first, alternately strike names from the list of reviewing officers until only one name remains. The reviewing officer whose name remains shall be the reviewer selected by the parties. The district shall, no later than five (5) calendar days after receipt of the list by the parties, telephone the Legal Department of the State Board of Education and provide the name of the selected

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reviewing officer. The district shall simultaneously send verification in writing by certified mail of the name of the selected reviewing officer to the Legal Department of the State Board of Education and to the opposing party.

d) To ensure immediate transmittal of the list of five qualified reviewing officers, the Legal Department of the State Board of Education shall maintain a registry of all persons qualified pursuant to Section 14-8.02(h) of The School Code (Ill. Rev. Stat. 1989, ch. 122, par. 14-8.02(h) as amended by Public Act 84-1854, effective January 1, 1986). The Legal Department shall ensure that each person on the list of five reviewing officers to be sent to the parties is trained as provided by Section 14-8.02(h) of The School Code, is not subject to disqualification pursuant to any of the restrictions provided for in the statute affecting impartiality, and is not presently conducting a Level II review. Upon request for appeal, the Legal Department shall confirm the availability of the persons whose names will appear on the list to be transmitted to the parties. The State Board of Education shall send to the parties the names of the first five reviewing officers from the registry who are available and possess the qualifications set forth in this subsection. Upon receiving notice by telephone from the district of the name of the selected impartial reviewing officer, the Legal Department shall immediately notify the reviewing officer selected. The State Board shall place the names of the reviewing officers not selected on the bottom of the registry list.

(Source: Emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days)

Section 226.684 Placement of the Child Pending Completion of a Level II Review
EMERGENCY

Unless the parents and the district agree otherwise, the child's placement shall not be changed following a request for a Level II review until such time as a binding decision is issued and all appeals are exhausted. If the parents and the district cannot agree, and if either party determines that the conduct or condition of the child whose needs are at issue is such that the health or safety of the child is endangered or the health or safety of other children is threatened, then the district or the parents may submit a written request to the State Superintendent

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of Education for permission to effectuate an emergency interim placement of the child. The decision of the State Superintendent shall be binding upon both parties pending completion of the review and issuance of the final order.

(Source: Emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days)

SUBPART K: SURROGATE PARENTS
Section 226.720 Contacting Parents of Child
EMERGENCY

The local school district shall make all reasonable attempts to contact the parents of the child who has been referred. If the parent is unavailable or inaccessible and the local school district has reason to believe that a surrogate parent is needed, cannot be identified, the parent's whereabouts cannot be discovered, or the child is a ward of the state, the district shall request for the appointment of a surrogate parent by such a person shall be sent to the State Board of Education, 7-Beggs Division, Springfield.

- a) The local school district shall provide documentation of their efforts to contact the parents.
- b) The local school district shall provide information on the racial, linguistic and cultural background of the child whose parents are unavailable or inaccessible who is in need of a surrogate parent.

(Source: Emergency amendment at 14 Ill. Reg. 11346, effective June 26, 1990 for a maximum of 150 days)

Section 226.730 Appointment of Surrogate Parent
EMERGENCY

Within five (5) calendar days of receipt of the request for the appointment of a surrogate parent, the State Superintendent of Education shall consider the request. If the State Superintendent of Education decides that a surrogate parent is required, the State Board of Education shall appoint one or more persons person to represent the interests of the child. Such an appointment shall be made not more than ten (10) calendar days after receipt of the district's request.

- a) A surrogate parent may be any responsible citizen other than an employee of the State Board of Education, the local school district in which the child is enrolled,

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an agency created by joint agreement, or an agency involved in the education or care of the student.

b) The surrogate parent must meet the following criteria:

- 1) All reasonable attempts shall be made to secure a surrogate parent whose racial, linguistic, and cultural background is similar to the child's.
- 2) The surrogate parent must be trained by the State Board of Education.
- 3) The surrogate parent has no interest that conflicts with the interests of the child he or she represents.

(Source: Emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990 for a maximum of 150 days)

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- 1) The Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.140
Emergency Action: Amendment
- 4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)
- 5) Effective Date of Emergency Amendment: July 1, 1990
- 6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed in Agency's Principal Office: July 1, 1990

8) Reason for Emergency: Hospitals in Chicago which serve a large proportion of Medicaid patients (over 85,000 days provided in fiscal 1989) have experienced difficulties in establishing a billing system that comports with Department requirements. As a result of a federal audit, the federal government has mandated that these hospitals come into compliance with Medicaid billing standards. As an interim measure, the federal government has agreed to permit these hospitals to bill for outpatient and clinic services on an encounter rate basis. To comply with the federal mandate and to ensure that these hospitals can continue to provide needed hospital services to the poor of Chicago, the Department has determined that this is a situation which constitutes a threat to the health, welfare and safety of the public. Accordingly, this rule must be adopted upon fewer days than is required under Section 5.02 of the Administrative Procedures Act

9) A Complete Description of the Subjects and Issues Involved: This rule revision will allow hospitals located in cities of more than one million population and which provided 85,000 days of inpatient care in fiscal 1989 to bill for outpatient and clinic services on an encounter rate basis. There is no anticipated fiscal impact.

10) Are there any proposed amendments pending to this Part? Yes

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Section Numbers	Proposed Action	Illinois Register Citation
146.120	Amendment	June 15, 1990 (14 Ill. Reg. 9331)
148.140	Amendment	April 13, 1990 (14 Ill. Reg. 5409)
148.360	Amendment	June 22, 1990 (14 Ill. Reg. 9827)

11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governmental units.

12) Information and questions regarding this Emergency Amendment shall be directed to:

Name: Dan Leikvold, Staff Attorney
Office of the General Counsel
Address: Illinois Department of Public Aid
Jesse B. Harris II Building
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Emergency Amendment begins on the next page:

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section	Hospital Services
148.10	Participation
148.20	General Requirements
148.30	Special Requirements
148.40	Covered Hospital Services
148.50	Hospital Services Not Covered
148.60	Limitation On Hospital Services
148.70	Transplants
148.80	Heart Transplants
148.90	Liver Transplants
148.100	Bone Marrow Transplants
148.110	Disproportionate Share Hospital Adjustments
148.120	Payment for Inpatient Services for GA
148.130	Hospital Outpatient and Clinic Services
148.140	EMERGENCY
148.150	Payment for Hospital Services During Fiscal Year 1982
148.160	Payment for Hospital Services During Fiscal Year 1983
148.170	Limits on Length of Stay by Diagnosis
148.180	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Payment Methodology
148.210	Non-Participating Hospitals
148.220	Pre July 1, 1989 Services
148.230	Post June 30, 1989 Services
148.240	Prepayment Review
148.250	Base Year Costs
148.260	Restructuring Adjustment
148.270	Inflation Adjustment
148.280	Groupings
148.290	Rate Calculation
148.300	Payment
148.310	Review Procedure
148.320	Alternatives
148.330	Exemptions
148.340	Subacute Alcoholism and Substance Abuse Services
148.350	Definitions
148.360	Types of Subacute Alcoholism and Substance Abuse Services

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Section

148.370 Payment for Subacute Alcoholism and Substance Abuse Services
 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Services
 148.390 Hearings

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 148.140 Hospital Outpatient and Clinic Services

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a) Reimbursement to hospitals for claims for services provided prior to July 17, 1983 will be calculated and paid in accordance with the statutes and administrative rules governing the time period in question (see Sections 148.150, 148.160 and 89-111-Adm.-Code-140-460 thru 140-467, and Emergency Rules-89-111-Adm.-Code-150.10 through 150.90).

b)a) 1) Reimbursement for hospital outpatient and clinic services provided on or after July 17, 1983, shall be made on a fee for service basis, except as described in subsection (c) for encounter rate hospitals.

2)1) Reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing those specific service codes. and However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) which apply pertain to the service

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in question and which are used by billed are
applicable to hospitals in the same manner as to
non-hospital providers who bill on a fee for
service or other basis for such services.

3)2) Reimbursement for the fee codes established 7/1/83 and implemented through 3/31/86 for procedures performed in a hospital setting will be calculated and paid in accordance with the statutes and administrative rules governing the time period in question.

4)3) Effective April 1, 1986, additional fee codes will be established for outpatient procedures performed in a hospital setting. Procedures will be grouped and reimbursed according to whether they are high level technology surgical procedures or other procedures. High Level Technology Surgical Procedures are those which either require general or spinal anesthesia or require any two of the following three criteria: the use of special equipment, a major surgical pack as opposed to a minor surgical pack, or longer than one hour of surgical time. High level technology surgeries will be reimbursed at the lower of actual charges or that hospital's inpatient contract rate (per diem rate for non-contracting hospitals) equivalent to a one day inpatient stay. Other ambulatory surgical, specialized cardiac and diagnostic procedures will be reimbursed at the lower of actual charges or the Department's designated payment maximum. Two groupings will be used to establish the State maximums - major teaching and other hospitals. A major teaching hospital is one having four or more graduate medical education programs - accredited by the American Medical Association, the American Dental Association or the American Osteopathic Association and a scope of service index of at least 40. The specialized treatment procedures, high risk and emergency room visits will be reimbursed according to fiscal year 1986 payment methodology. Certain high level technology services recognized and approved by the

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Department as safe outpatient procedures will be are reimbursed in a category separate from other specialized cardiac procedures and diagnostic procedures. This special category currently includes the following procedures: Magnetic Resonance Imaging (MRI), Computerized Axial Tomography (Cat Scan), and Cardiac Catheterization.

5)4) A list of restricted inpatient procedures pursuant to Section 148.180(b) will be is established and those procedures will only be reimbursed when performed outside the inpatient setting or when the hospital supplies justification for an inpatient admission that meets Departmental established criteria. These criteria include, but are not limited to:

- A) presence of medical conditions which make prolonged post-operative observations by a nurse or skilled medical personnel a necessity (e.g., heart disease, severe diabetes).
- B) An unrelated procedure is being done simultaneously which itself requires surgical hospitalization.
- C) The patient is unable to comprehend and/or follow the necessary instruction both prior to and following the procedure due to mental and/or physical impairment, and this would result in inadequate treatment and place the patient at risk.
- D) Emergency admission or recent onset of severe symptoms would prohibit safely performing the procedure on an outpatient basis (e.g., bleeding, severe pain, nausea, vomiting).
- E) Admission occurs subsequent to the performance of the procedure on an outpatient basis due to conditions such as:

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(Cont'd.)
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- i) instability of vital signs
- ii) respiratory distress greater than existed pre-operatively
- iii) post-operative pain not relieved by oral medication
- iv) uncontrolled bleeding
- v) lack of state of consciousness appropriate to age and development
- vi) presence of persistent nausea or vomiting
- vii) inability to ambulate consistent with age, previous mobility status and/or procedure.

6)5) Reimbursement levels for additional fee codes that are eligible for payment pursuant to Sections 148.140(b)(4) and (5) subsection (a)(3) and (4) will be at the lower of the hospital's actual charge or the Department's designated payment maximum. This payment shall be considered full and final payment for those procedures performed. The rate-levels-designed for each group of ambulatory procedures are calculated to ensure spending approximately the full fiscal year 1987-Hospital-Ambulatory-Care Appropriation.

- e)b) Payment for outpatient end-stage renal disease treatment (ESRD) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rates, as follows:
 - 1) For inpatient hospital services provided pursuant to 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.200 through 148.330 and 89 Ill. Adm. Code 149.
 - 2) For outpatient services or home dialysis treatments provided pursuant to Section 148.40(c)(2) or (3), the Department will

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reimburse hospitals and clinics for ESRDT services at a rate which will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.231(o) (1984). This rate will be that rate established by Medicare pursuant to 42 CFR 405.439 and 405.441 (1984).

- 3) Payment for non-routine services. For services which are provided during outpatient or home dialysis treatment pursuant to Section 148.40(c)(2) or (3) but are not defined as a routine service under 42 CFR 405.231(o) (1984), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481, respectively.
- 4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.
- d) Statewide-fee-screens-for-outpatient-and-clinic services-shall-be-increased-for-fiscal-year-1985-over those-used-in-fiscal-year-1984-by-a-weighted-average 10-percent-rate-increase.

- c) Reimbursement for hospital outpatient and clinic services provided by an encounter rate hospital on or after July 1, 1990, shall be made on an encounter rate basis.

- 1) Reimbursement levels shall be at the lower of the encounter rate hospital's all inclusive charge as shown on the claim or the Department's encounter hospital specific reimbursement rate for each of the procedure groups described in subsection (a)(3) and by the category of service. Encounter rate hospitals will be required to bill the department utilizing all-inclusive service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are

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applicable to encounter rate hospitals in the same manner as to non-hospital and hospital providers who bill fee-for-service.

- 2) Reimbursement for the fee codes defined in subsection (a)(3) for encounter rate hospitals will be reimbursed at the Department's rate calculated in subsection (c)(1) above.
- 3) An encounter rate hospital is defined as an Illinois public hospital:
 - A) located in a city with population exceeding 1 million; and
 - B) which provided and was paid for 85,000 days or more of inpatient hospital care to recipients of medical assistance during State fiscal year 1989.
- 4) Inpatient restricted procedures as provided in subsection (a)(4) shall apply to encounter rate hospitals.

(Source: Emergency amendment at 14 Ill. Reg. 11392 effective July 1, 1990, for a maximum of 150 days)

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- 13) Information and questions regarding this adopted amendment shall be directed to:
Name: Donna Garman
Address: Illinois Department of Agriculture, State Fairgrounds,
Springfield, Illinois 62794-9281
Telephone: (217) 782-7172

The full text of the Peremptory amendment begins on the next page:

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NOTICE OF PEREMPTORY AMENDMENTS

- 1) The Heading of the Part: Meat and Poultry Inspection Act
- 2) The Code Citation: 8 Ill. Adm. Code 125
- 3) Section Number: Peremptory Action:
125.390 Amended
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 316); the Federal Poultry Inspection Act (21 U.S.C.A. 454); 55 FR 23070 (1990).
- 5) Statutory Authority: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 316)

6) Effective Date: July 6, 1990

7) A Complete Description of the Subjects and Issues Involved:

In order to maintain an "equal to" status with the federal poultry inspection program as required by the Federal Poultry Inspection Act, and in compliance with Section 16 of The Meat and Poultry Inspection Act, changes in the federal rules relative to poultry inspection are hereby adopted.

Section 381.150 of the Federal Poultry Inspection regulations has been amended to permit the preparation, under certain conditions, of partially cooked, cured and smoked, poultry breakfast strips which are intended to be further cooked by the consumer before consumption. This product would be labeled with the statement "Partially Cooked: For Safety, Cook Until Well Done," specifying that the product is not suitable for consumption until thoroughly cooked. In addition, detailed instructions on how to cook the product are required on the immediate container of the product.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: June 19, 1990
- 10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part? No
- 12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.

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125.280 Meat Definitions and Standards of Identity or Composition
125.290 Transportation
125.300 Special Services Relating to Meat and Other Products
125.305 Exotic Animal Inspection

SUBPART B: POULTRY INSPECTION

Section

125.310 Application of Inspection
125.320 Facilities for Inspection
125.330 Sanitation
125.340 Operating Procedures
125.350 Ante-Mortem Inspection
125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370 Handling and Disposal of Condemed or Inedible Products at Official Establishments
125.380 Labeling and Containers
125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400 Definitions and Standards of Identity or Composition
125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 301 et seq.) and The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 16).

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22 1986; peremptory amendment at 10

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125

MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section
125.10 Definitions
125.20 Incorporation by Reference of Federal Rules
125.30 Application for License; Approval
125.40 Official Number
125.50 Inspections; Suspension or Revocation of License
125.60 Administrative Hearings; Appeals
125.70 Assignment and Authority of Program Employees
125.80 Schedule of Operations; Overtime
125.90 Official Marks of Inspection, Devices and Certificates
125.100 Records and Reports
125.110 Exemptions
125.120 Disposal of Dead Animals and Poultry
125.130 Reportable Animal and Poultry Diseases
125.140 Detention; Seizure; Condemnation

SUBPART B: MEAT INSPECTION

Section
125.150 Livestock and Meat Products Entering Official Establishments
125.160 Equine and Equine Products
125.170 Facilities for Inspection
125.180 Sanitation
125.190 Ante-Mortem Inspection
125.200 Post-Mortem Inspection
125.210 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220 Humane Slaughter of Animals
125.230 Handling and Disposal of Condemed or Other Inedible Products at Official Establishment
125.240 Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250 Marking Products and Their Containers
125.260 Labeling, Marking and Containers
125.270 Entry into Official Establishment; Reinspection and Preparation of Product

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990.

SUBPART C: POULTRY INSPECTION

Section 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements

- a) The Department incorporates by reference 9 CFR 381.145(b) through 381.148, 381.150 through 381.151, 381.300 through 381.311 (1984; 49 FR 19623, effective June 8, 1984; 49 FR 19000, effective July 3, 1984; 49 FR 32055, effective Aug. 10, 1984; 50 FR 6, effective January 2, 1985; 50 FR 50282, effective February 10, 1986; 51 FR 32301, effective October 14, 1986; 51 FR 45602, effective June 19, 1987, except for Section 381.305(h)(3) which is effective December 21, 1987 and

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

Section 381.310 which is effective December 19, 1988; 53 FR 7493, effective April 8, 1988; 55 FR 5976, effective March 23, 1990; 55 FR 23070, effective July 6, 1990).

- b) No poultry or poultry product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, the federal inspection legend, or is exempt from inspection as stated in Section 125.110.
- c) Poultry and poultry products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.360 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any poultry and/or poultry product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected and passed by the inspector.
- d) The official establishment shall maintain an inventory of non-poultry items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.
- e) Reinspections of poultry and/or poultry products within the official establishment shall be performed through the use of a random digit table.
- f) Poultry feet shall be approved for processing for human food in accordance with the procedures set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- g) The Department does not approve new substances to be used on poultry or in poultry products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used if they will not adulterate the poultry and/or poultry product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- h) Ready-to-heat-and-eat poultry or stuffed ready-to-roast poultry may be moved from an official establishment prior to freezing in accordance with the provisions of Section 125.330 (specifically the incorporated language in 9 CFR 381.66(f)(3)).
- i) Any method of cleaning immediate containers used for the holding of poultry and poultry products shall be approved if such method is in compliance with the sanitation requirements (see Section 125.330).
- j) Canned poultry products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- k) The inspector shall permit lots of canned poultry products to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 381.309.
- l) Disinfectants which may be used in an official establishment shall be those products on the "List of Proprietary Substances and Nonfood Compounds" as adopted by the Department in Section 125.20.

(Source: Peremptory amendment at 14 Ill. Reg. 11401 effective July 6, 1990)

DEPARTMENT OF REVENUE

NOTICE OF REFUSAL AND MODIFICATION TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Telecommunications Excise Tax
- 2) Code Citation: 86 Ill. Adm. Code 495
- 3) Section Numbers: 495.100 Action: Modification
- 4) Date Notice of Proposed Rules Published in the Register: October 20, 1989, 13 Ill. Reg. 16723 (issue date)
- 5) Date JCAR Statement of Objection Published in the Illinois Register: June 22, 1990, 14 Ill. Reg. 10152 (issue date)
- 6) Summary of Action Taken by the Agency:

In response to the Committee's objection, the Department has added a new paragraph (h) to Section 495.100 and revised paragraphs (i) and (j), and redesignated paragraphs (h), (i), (j) and (k) to be paragraphs (i), (j), (k) and (l). These revisions clarify "at which point the tax is to be imposed in certain retail sales of telecommunications". (900 calls). The revised paragraphs read as follows:

- h) A caller located in Illinois who calls a 900 number and receives a billing for that call at his service address, will have made a call subject to Telecommunications Excise Tax. The invoice to the caller for a 900 number call need not separately state the line charge and tax thereon specifically. However, the telecommunications retailer is responsible for remitting the tax due on the line charge.
- i) Gross charges shall include the transmission charges for premium services. Time/weather, gab line/party line and other public announcement services of information and entertainment, and charges for the message content, information of such services, are not included in gross charges.

Example: A call to a 900 code number is made to register an opinion in a poll. The caller is billed \$1.00. \$.80 is the transmission charge. \$.80 is included in gross charges.

DEPARTMENT OF REVENUE

NOTICE OF REFUSAL AND MODIFICATION TO MEET THE OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- j) Charges for billing and collection received by telecommunications retailers from persons selling services or products to the telecommunications retailer's customers, which are billed and collected by the telecommunications retailer, are not included in gross charges.

Example: A call to a 900 code number to sell a product is billed by the telecommunications retailer as follows:

\$25.00	service charge to caller for product or service
\$.30	call charge (15¢ call, 15¢ billing and collection)
\$.15	billing and collection charge is not included in gross charges
\$25.00	is not included in gross charges
\$.15	is included in gross charge

- k) Billing and collections charges paid by persons selling services or products to telecommunications retailer's customers or billing and collections charges paid by telecommunications retailers to credit card companies whose holders have charged calls are not includable in gross charges.

- l) Taxes imposed on consumers for community 911 service, life-line service or other services required by regulatory authorities or government are not includable in gross charges.

We decline to modify in response to that part of the Committee's objection which states that "the rules conflict with the intent of the Telecommunications Excise Tax Act". We believe that the portion of the rules to which the objection is directed is within the terms of the statute. The charge which appears on the end-user's bill from the telecommunications carrier includes the transmission charge for the call which the end-user originated in Illinois and is billed to the end-user's service address in Illinois. As stated in Goldberg v. Johnson, 117 Ill.2d 493, "there is a rational basis supporting imposition of the interstate telecommunications Tax particularly insofar as the tax applies to those interstate telecommunications originating in Illinois and either paid for directly in Illinois or billed to a service address located in Illinois".

DEPARTMENT OF MINES AND MINERALS

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

- 1) Heading of the Part for which proposed rulemaking is being corrected:

The Illinois Oil and Gas Act

- 2) Code Citation: 62 Ill. Adm. Code 240

- 3) Illinois Register citation to Notice of Proposed Amendments:

14 Ill. Reg. 10288; June 29, 1990

- 4) Section being Corrected: The address on the Notice page reads:

Written comments may be submitted within 45 days of the publication of this notice to:

John C. Lynch, General Counsel
Illinois Department of Mines and Minerals
Stratton Office Building, Room 704
Springfield, IL 62706

- 5) Correction(s) being made: The address on the Notice page should read:

Written comments may be submitted within 45 days of the publication of this notice to:

John C. Lynch, General Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

1) Heading of the Part:

WIC Vendor Management Code

2) Code Citation:

77 Ill. Adm. Code 672

3) Register Citation to Notice of Proposed Amendments:

This issue of the Illinois Register.

4) Date, Time and Location of Public Hearing:

August 9, 1990

11:00 a.m.

Oak Park Community Center
Village Hall Plaza, Room B1
Oak Park, Illinois

August 14, 1990

10:00 a.m.

Illinois Department of Public Health
Rockford Regional Office Building
4302 North Main
Rockford, Illinois 61103

August 21, 1990

10:00 a.m.

Illinois Department of Public Health
525 West Jefferson
Training Room, 1st Floor
Springfield, Illinois 62761

August 23, 1990

10:00 a.m.

Illinois Department of Transportation
Collinsville Regional Building
110 Eastport Plaza
Collinsville, Illinois5) Other Pertinent Information:

The hearings will be for the sole purpose of gathering public comment on the proposed rules. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

1. Each person presenting oral testimony shall provide to the Hearing Officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.

2. Each person presenting oral testimony will be limited to fifteen (15) minutes for the presentation of such testimony.

3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.

4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.

6) Name and Address of Agency Contact Person:

Questions regarding these proposed rules or public hearings shall be directed to:

Mr. Robert John Kane
Administrative Rules Coordinator
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 25, 1990, through June 29, 1990, and have been scheduled for review by the Committee at its July 26, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its July meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
6/25/90	Department of Commerce and Community Affairs, Uniform Fiscal and Administrative Standards for the Job Training Partnership Act (56 Ill. Adm. Code 2630)	4/13/90 14 Ill. Reg. 5310	July 26, 1990
6/26/90	Department of Public Aid, Point Count Guidelines for ICF/MR and SNF/PED Facilities, Repeal of (89 Ill. Adm. Code 146)	5/11/90 14 Ill. Reg. 7031	July 26, 1990
6/26/90	Department of Public Aid, Food Stamps (89 Ill. Adm. Code 121)	5/11/90 14 Ill. Reg. 7006	July 26, 1990
6/28/90	Illinois Commerce Commission, Carrier Identification (92 Ill. Adm. Code 1307)	9/29/89 13 Ill. Reg. 15154	July 26, 1990
6/28/90	Department of Public Aid, General Assistance (89 Ill. Adm. Code 114)	5/11/90 14 Ill. Reg. 7015	July 26, 1990
6/28/90	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	5/11/90 14 Ill. Reg. 7027	July 26, 1990
6/28/90	Department of Public Aid, Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)	5/4/90 14 Ill. Reg. 6664	July 26, 1990

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
6/28/90	Department of Professional Regulation, The Barber, Cosmetology and Esthetics Act of 1985 (68 Ill. Adm. Code 1175)	11/13/89 13 Ill. Reg. 17190	July 26, 1990
6/29/90	Environmental Protection Agency, Toxic Pollution Prevention Innovation Plans (35 Ill. Adm. Code 181)	5/4/90 14 Ill. Reg. 6520	July 26, 1990
6/29/90	Illinois Racing Board, Double Trifecta Wagering Pool (11 Ill. Adm. Code 439)	4/20/90 14 Ill. Reg. 5751	July 26, 1990
6/29/90	Department of Insurance, Life Insurance Solicitation (50 Ill. Adm. Code 930)	2/23/90 14 Ill. Reg. 2754	July 26, 1990

PROCLAMATION

90-222
NATIONAL GUARD 183RD TACTICAL FIGHTER GROUP DAY
(Revised)

Whereas, the 183rd Tactical Fighter Group of the Illinois National Guard is stationed in Springfield; and
Whereas, the 170th Tactical Fighter Squadron, known as the "Boyz from Illinois," is also stationed in Springfield; and
Whereas, Major General Harold Holesinger is the Adjutant General for the State of Illinois; and
Whereas, the Group Commander is Colonel Richard E. McLane II and the Squadron Commander is Lt. Colonel Barry Beard; and
Whereas, presently there are 18 jets F16-A model and one model B on base known as the "Flying Illini"; and
Whereas, the F16 Tactical "Demo" team performs for the United States Air Force; and
Whereas, 18 new General Dynamics F16 jets, known as the "Fighting Falcons" will be officially dedicated May 6, 1990, in Springfield;
Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 6, 1990, as NATIONAL GUARD 183RD TACTICAL FIGHTER GROUP DAY in Illinois.
Issued by the Governor June 28, 1990.
Filed with the Secretary of State July 2, 1990.

90-319
COLUMBUS/OFFICIAL QUINCENTENNIAL TOWN

Whereas, in 1992, the United States will participate in a world observation of the Quincentennial, the 500th anniversary of Christopher Columbus' voyage to the New World; and
Whereas, Illinois is one of the only 24 states to have a community named for the Genoese navigator, Christopher Columbus, whose bold enterprise forever linked the Old and New Worlds; and
Whereas, it is fitting that Columbus, Illinois, be recognized as a focal point for Quincentennial activities;
Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim Columbus as the OFFICIAL QUINCENTENNIAL TOWN in Illinois in 1992 in recognition of the 500th anniversary of Christopher Columbus' voyage.
Issued by the Governor June 22, 1990.
Filed with the Secretary of State July 2, 1990.

90-320
CONGRATULATES OLDER WOMEN'S LEAGUE

Whereas, a National OWL Convention will be held at the Fairmont Hotel in Chicago on August 24-26; and

Whereas, in October 1980 at the White House Mini-Conference on Older Women in Des Moines, Iowa, OWL was founded as the first national grassroots membership organization with the primary purpose of aiding women in middle years and beyond; and
Whereas, OWL has become a 20,000-member organization with 110 chapters in communities nationally and internationally; and
Whereas, OWL has worked ceaselessly to improve the quality of life for older women in regard to pension benefits, health insurance, human services, and entitlements and to advocate protection of Social Security benefits, while striving to correct the inequities in the Social Security grants; and
Whereas, OWL is committed to having an active role in meeting older women's issues and needs in the coming years as the median age of the population rises;

Therefore, I, James R. Thompson, Governor of the State of Illinois, congratulate the OLDER WOMEN'S LEAGUE on their successful work on behalf of this population of our society and wish them continued success in all their present and future endeavors.

Issued by the Governor June 22, 1990.

Filed with the Secretary of State July 2, 1990.

90-321
EAST CENTRAL ILLINOIS BUSINESS APPRECIATION WEEK

Whereas, on May 15, 1984, the East Central Illinois Development Corporation was founded to devise and implement a regional economic development strategy; and
Whereas, the corporation is a consortium of representatives from the nine east central Illinois counties of Christian, Clark, Coles, Cumberland, Douglas, Edgar, Effingham, Moultrie, and Shelby; and

Whereas, the corporation is working to retain, expand, and attract business and industry to boost the economy and increase employment opportunities in this region; and
Whereas, the East Central Illinois Development Corporation has taken strides to attain economic growth through the implementation of programs in climate development, regionalism, and human resources;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim July 22-29, 1990, as EAST CENTRAL ILLINOIS BUSINESS APPRECIATION WEEK in Illinois in recognition of the corporation's efforts in promoting economic growth in the east central Illinois region.

Issued by the Governor June 22, 1990.

Filed with the Secretary of State July 2, 1990.

90-322

GERMAN-AMERICAN DAY

Whereas, the first German immigrants arrived in the United States October 6, 1683; and
 Whereas, today, more than 60 million Americans trace at least a part of their ancestry to Germany; and
 Whereas, German-Americans have contributed greatly to American cultures and lifestyles; and

Whereas, German-Americans support the government and democratic principles of the United States of America, and they are concerned about its people and the future of young Americans; and

Whereas, strong bonds exist between the people of the United States and the Federal Republic of Germany and other German-speaking countries;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 6, 1990, as GERMAN-AMERICAN DAY in Illinois and encourage all Illinoisans to be cognizant of this annual celebration.

Issued by the Governor June 22, 1990.

Filed with the Secretary of State July 2, 1990.

90-323

ARBITRATION DAY

Whereas, arbitration can be used as a peaceful alternative to litigation to resolve disputes in the fields of consumer complaints, international trade, labor, construction, insurance, and others; and

Whereas, since 1926, the American Arbitration Association, a private, non-profit organization, has resolved thousands of cases annually, resulting in monetary savings in both public and private sectors; and

Whereas, each year, the organization holds an educational event to bring attention to this expeditious method of problem-solving;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 3, 1990, as ARBITRATION DAY in Illinois, in conjunction with the nationwide observance.

Issued by the Governor June 25, 1990.

Filed with the Secretary of State July 2, 1990.

90-324

BIBLE WEEK

Whereas, one of the greatest challenges in America today is to renew a spiritual vision and vitality among our people; and
 Whereas, reading and understanding the Bible can be a great

source of strength and can offer every person a guide for living and for making the decisions that face each of us in striving for a full and happy life; and

Whereas, no other writings, work, or group of ideas has had so profound an effect upon our attitudes, beliefs, ideas, and conventions. Biblical teachings inspired concepts of civil government that are contained in our Declaration of Independence and the Constitution of the United States; and

Whereas, the purpose of the 49th interfaith Bible Week observance is to stimulate interest in the Bible and to encourage individuals to become familiar with its teachings;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim November 18-25, 1990, as BIBLE WEEK in Illinois, in conjunction with the national observance.

Issued by the Governor June 25, 1990.

Filed with the Secretary of State July 2, 1990.

90-325

CLEAN INDOOR AIR WEEK

Whereas, an estimated 16,000 Illinoisans die each year from causes attributable to cigarette smoking and other tobacco uses; and

Whereas, these deaths represent a potential 180,400 years of life lost; and

Whereas, many of these deaths could be prevented by reducing or eliminating use of tobacco and exposure to second-hand smoke in the workplace and all public buildings; and

Whereas, the Illinois General Assembly finds that tobacco smoke is annoying, harmful, and dangerous to the health of the public; and

Whereas, in an effort to reduce smoking and passive exposure to tobacco smoke, Illinois has enacted the Clean Indoor Air Act, effective July 1, 1990;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim July 1-7, 1990, as CLEAN INDOOR AIR WEEK in Illinois. I urge citizens who smoke to make an effort to kick the habit and call on non-smokers to encourage and support family members and friends who make an effort to quit smoking.

Issued by the Governor June 26, 1990.

Filed with the Secretary of State July 2, 1990.

90-326

CONGRATULATES STEPPENWOLF THEATRE COMPANY

Whereas, Steppenwolf Theatre Company of Chicago has provided Illinois audiences with 14 years of memorable, innovative, and award-winning theatrical productions; and

Whereas, Steppenwolf Theatre Company reaches out to the entire Illinois community with its Educational Outreach Program

for high school students and veterans and with its intern program at Illinois State University in Normal, which is the alma mater of the theatre company's founding members; and

Whereas, Steppenwolf Theatre Company is one of Illinois' foremost "cultural ambassadors," broadening public awareness of Illinois and Chicago as major centers for strong and innovative theatre; and

Whereas, since it was founded in 1976, Steppenwolf Theatre Company has established itself as a strong voice for contemporary American drama, as well as a venerable venue for bold, new theatrical works. It is the only theatre company in Illinois to earn the prestigious Antoinette Perry Award (Tony Award) for "Excellence in Regional Theatre"; and

Whereas, Steppenwolf Theatre Company, in association with The Schubert Organization, Sundry International Corporation and Jujamcyn Theatres, and ABC/Capital Cities, won theatre's most prestigious award, the 1990 Antoinette Perry Award for best play of the 1989-1990 theatre season;

Therefore, I, James R. Thompson, Governor of the State of Illinois, congratulate STEPPENWOLF THEATRE COMPANY on its prestigious accomplishments and its contributions to the world of theatre.

Issued by the Governor June 27, 1990.

Filed with the Secretary of State July 2, 1990.

90-327

ANDHRA YOUTH DAY

Whereas, the people of Andhra Pradesh, India, have unique cultural and linguistic roots. They speak Telugu or Andhran, a derivation of the ancient Sanskrit language which has existed 1200 years; and

Whereas, youth from the state of Andhra Pradesh will assemble on the campus of Southern Illinois University in Edwardsville June 7, 1990, for the Third Tana Youth Conference; and

Whereas, these youth will represent their native Andhra Pradesh in the multicultural background of the United States, adding the richness of their culture to the mix of other cultures in our nation;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim July 7, 1990, as ANDHRA YOUTH DAY in Illinois in recognition of the contributions these people have made to the culture of our state and our nation.

Issued by the Governor June 28, 1990.

Filed with the Secretary of State July 2, 1990.

90-328

BELLS ON INDEPENDENCE DAY

Whereas, the ringing of bells on Independence Day should

inspire all Americans to feel pride and gratitude for the 214 years of freedom we have enjoyed; and

Whereas, the ringing of bells throughout the nation should remind us of our precious heritage of freedom and unite us in loyalty to our nation; and

Whereas, the official Freedom Bell of Illinois, located in Mount Morris, will ring out its glad tidings to coincide with the national celebration, as has been done since 1963;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim July 4, 1990, as BELLS ON INDEPENDENCE DAY in Illinois, and urge our citizens to participate in this observance.

Issued by the Governor June 28, 1990.

Filed with the Secretary of State July 2, 1990.

90-329

HOSIERY WEEK

Whereas, the American hosiery industry celebrates its 19th annual National Hosiery Week in 1990; and

Whereas, the hosiery industry makes a valuable contribution to the economy of Illinois and the rest of the United States; and

Whereas, there are more than 400 hosiery manufacturing plants across America, employing more than 70,000 people; and

Whereas, consumer purchases of hosiery products rose for the fourth straight year in 1989;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim August 12-18, 1990, as HOSIERY WEEK in Illinois in conjunction with the national observance.

Issued by the Governor June 28, 1990.

Filed with the Secretary of State July 2, 1990.

90-330

VICTORY WEEK

Whereas, life can be seen as a conflict between ascending forces of inner freedom and descending limitations imposed by circumstances. In this struggle, victory emerges from the undaunted ascent of the human spirit; and

Whereas, in this finest example of the vitality of human effort and purpose, many among us struggle each day to overcome disability and adversity. Those who succeed, and do so by providing an example to the rest of us, truly represent the victory of the human spirit. They have exemplified exceptional depth of inner strength, tenacity of purpose, integrity of effort, and courage in the face of adversity; and

Whereas, these special individuals have earned our respect; now they deserve recognition. By celebrating their victories, we offer hope to the more than 42 million disabled Americans facing the personal challenge of physical disability, and we also offer

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hope to millions of others overcoming substance abuse, mental illness, or any other adversity; and

Whereas, the National Rehabilitation Hospital, which sponsors the Annual Victory Awards Celebration in Washington, D.C. in collaboration with the State of Illinois, joins in recognizing those individuals;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 14-21, 1990, as VICTORY WEEK in Illinois.

Issued by the Governor June 28, 1990.

Filed with the Secretary of State July 2, 1990.

90-331

DISASTER AREAS - SEVERAL COUNTIES

A series of tornadoes and severe thunderstorms with torrential rains and damaging winds occurred in the northwest and west central portions of the State in the early morning of June 20 and again on June 29. These storms have created record flooding conditions, serious public service disruptions and extensive damages to real and personal property, business enterprises, farms, livestock, roads and other property in affected counties.

In the interest of aiding those citizens who were adversely affected and suffered losses because of wind damage and flood conditions and to minimize any further impact on the public health, safety and welfare of our citizens, I hereby declare Henderson, Mercer, Putnam and Scott counties to be State of Illinois Disaster Areas, pursuant to the provisions of Section 7(a) of the "Illinois Emergency Services and Disaster Agency Act of 1988" (Ill. Rev. Stat., 1989, ch. 127, par. 1051, et seq.).

This gubernatorial declaration of disaster will aid the Illinois Emergency Services and Disaster Agency in coordinating other state agency resources in the disaster recovery operations; provide for the reassessment of real and personal property substantially damaged by the storms; and make possible any requests for federal disaster assistance.

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ICAR - Joint Committee on Administrative Rules **ACTION CODES**

- A - Adopted Rule
 AR - Adopted Repealer
 C - Notice of Corrections
 CC - Codification Changes
 E - Emergency Rule
 ER - Emergency Repealer
 M - Modification to meet ICAR objections
 O - ICAR Statement of Objections
 P - Proposed Rule
 PF - Prohibited Filing Ordered by ICAR
 PP - Peremptory or Court ordered Rules
 PR - Proposed Repealer
 R - Refusal to meet ICAR objection
 RC - Statement of Recommendation
 S - Suspension ordered by ICAR
 W - Withdrawal to meet ICAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 Ill. Grain Insurance Act (P-18048/85; A-6818)

TITLE → PART → ACTION CODE → PAGE NUMBER → PREVIOUS VOLUME → PAGE NUMBER → ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 282-9786.

AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240 Community Care Program (P-1077; A-10732) (P-13638/89; O-17144/89; R-1533) (P-13353/89; A-1233)
 89 Ill. Adm. Code 230 Older Americans Act Programs (P-14499/89; A-2308)

AGRICULTURE, DEPARTMENT OF

- 8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-15911/89; A-1907) (P-16861/89; A-3416) (P-8759)
 8 Ill. Adm. Code 75 Bovine Brucellosis (P-15913/89; A-1911)
 8 Ill. Adm. Code 85 Diseased Animals (P-15926/89; A-1919) (P-8768)
 8 Ill. Adm. Code 80 Bovine Tuberculosis Eradication Act (P-15938/89; A-1931)
 8 Ill. Adm. Code 115 Pseudorabies Control Act (P-15942/89; A-1935) (P-19329/89; A-5065) (P-3773)
 8 Ill. Adm. Code 270 State Fair & DuQuoin State Fair, Non-Fair Space Rental & the General Operation of the State Fairgrounds (P-10965)
 8 Ill. Adm. Code 40 Livestock Auction Markets (P-15950/89; A-1943)
 8 Ill. Adm. Code 45 Marketing Center (Livestock) (P-15956/89; A-1949)
 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (P-16623/89; A-3424) (PP-4953) (PP-11401)
 8 Ill. Adm. Code 850 Motor Fuel Standards Act (P-19837/89; A-5072)
 2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-584) (A-4093) (A-9009)
 8 Ill. Adm. Code 5 Standardization of Agriculture Products (P-3711; A-10308)
 8 Ill. Adm. Code 100 Swine Brucellosis (P-15960/89; A-1953)
 8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-15968/89; A-1961) (P-8777)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

- 77 Ill. Adm. Code 2058 Licensure of Alcoholism & Substance Abuse Treatment Intervention & Research Programs (P-6457)

ATTORNEY GENERAL

- 86 Ill. Adm. Code 2000 Ill. Estate & Generation - Skipping Transfer Tax Act (P-4281)

AUDITOR GENERAL

- 74 Ill. Adm. Code 420 Code of Regulations (P-1541)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

- 38 Ill. Adm. Code 395 Corporate Fiduciary Branch Offices (P-2981)
 38 Ill. Adm. Code 396 Corporate Fiduciary Subsidiaries (P-2985)
 38 Ill. Adm. Code 356 Reimbursement to Banks & Corporate Fiduciaries for Financial Records (P-3303; A-11183)
 38 Ill. Adm. Code 356 Reimbursement to Banks for Financial Records (P-3303)

CARNIVAL-AMUSEMENT SAFETY BOARD

- 56 Ill. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-2989) (E-3235; O-5905)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

- 80 Ill. Adm. Code 303 Conditions of Employment (P-17169/89; A-3433)
 80 Ill. Adm. Code 2160 Local Government Health Plan (P-4288)
 80 Ill. Adm. Code 5010 Marking, Inventory, Transfer & Disposal of State-Owned Personal Property (P-8271) (E-8714)
 80 Ill. Adm. Code 310 Pay Plan (P-427; A-10002) (P-15141/89; A-615) (PP-1627) (P-17521/89; A-4455) (P-5269) (PP-7652) (P-7675) (P-10189) (P-10974) (E-11330)
 44 Ill. Adm. Code 5030 Personal Use of State Telephones (P-10983) (E-11351)
 80 Ill. Adm. Code 2120 State of Ill. Medical Care Assistance Plan (P-10603)
 80 Ill. Adm. Code 3000 Travel Regulation Council, The (P-1548; A-10014)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Dept. (P-4303)
 89 Ill. Adm. Code 410 Licensing Standards for Youth Emergency Shelters (P-439; O-8206; R-9622; A-9407) (E-999)
 89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-20159/89; C-2684) (E-11356)
 89 Ill. Adm. Code 337 Service Appeal Process (P-9273)
 89 Ill. Adm. Code 302 Services Delivered by the Dept. (P-1) (P-2205) (P-14508/89; A-3438)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

- 14 Ill. Adm. Code 525 Economic Development Area Tax Increment Allocation Financing (P-13356/89; A-1968)
 14 Ill. Adm. Code 520 Enterprise Zone Program (P-15975/89; A-3445)
 14 Ill. Adm. Code 590 Ill. Large Business Development Program (P-7291)
 14 Ill. Adm. Code 610 Ill. Public Infrastructure Loan & Grant Program (P-7300)
 56 Ill. Adm. Code 2650 Industrial Training Program (P-15977/89; A-5075)
 14 Ill. Adm. Code 550 Local Tourism & Convention Bureau Program (P-17567/89; A-5091) (P-5294) (E-5565; O-10159) (P-8782)
 47 Ill. Adm. Code 110 State Administration for the Federal Community Development Block Grant Program for Small Cities (P-10985)
 47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-5296)
 14 Ill. Adm. Code 545 Technology Advancement & Development Act Program (P-19336/89; A-9016)
 14 Ill. Adm. Code 540 Technology Commercialization Grant-In-Aid Program (P-11022)
 56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-5017/89; A-1976)
 56 Ill. Adm. Code 2630 Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-5310) (P-7312)

COMMERCE COMMISSION, ILLINOIS

- 92 Ill. Adm. Code 1207 Agents for Service of Process (P-15150/89; A-3033)
 83 Ill. Adm. Code 760 Cellular Radio Exclusion (P-13358/89; A-3037) (P-9631)